

Priority Housing Projects

- 10 VSA 6001(35) "Priority housing project" means a discrete project located on a single tract or multiple contiguous tracts of land that consists exclusively of:
 - (A) mixed income housing or mixed use, or any combination thereof, and is located entirely within a designated downtown development district, designated new town center, designated growth center, or designated village center that is also a designated neighborhood development area under 24 V.S.A. chapter 76A; or
 - (B) mixed income housing and is located entirely within a designated Vermont neighborhood or designated neighborhood development area under 24 V.S.A. chapter 76A.

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- 10 VSA 6001(27) "Mixed income housing" means a housing project in which the following apply:
 - (A) Owner-occupied housing. At the option of the applicant, owner-occupied housing may be characterized by either of the following:
 - (i) at least 15 percent of the housing units have a purchase price that at the time of first sale does not exceed 85 percent of the new construction, targeted area purchase price limits established and published annually by the Vermont Housing Finance Agency; or
 - (ii) at least 20 percent of the housing units have a purchase price that at the time of first sale does not exceed 90 percent of the new construction, targeted area purchase price limits established and published annually by the Vermont Housing Finance Agency.
 - (B) Rental housing. At least 20 percent of the housing units that are rented constitute affordable housing and have a duration of affordability of not less than 15 years.

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- 10 VSA 6001(28) "Mixed use" means construction of both mixed income housing and construction of space for any combination of retail, office, services, artisan, and recreational and community facilities, provided at least 40 percent of the gross floor area of the buildings involved is mixed income housing. "Mixed use" does not include industrial use.

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- 10 VSA 6001(29) "Affordable housing" means either of the following:
 - (A) Owner-occupied housing for which the total annual cost of ownership, including principal, interest, taxes, insurance, and condominium association fees, does not exceed 30 percent of the gross annual income of a household at 120 percent of the highest of the following:
 - (i) the county median income, as defined by the U.S. Department of Housing and Urban Development;
 - (ii) the standard metropolitan statistical area median income if the municipality is located in such an area, as defined by the U.S. Department of Housing and Urban Development; or
 - (iii) the statewide median income, as defined by the U.S. Department of Housing and Urban Development.
 - (B) Rental housing for which the total annual cost of renting, including rent, utilities, and condominium association fees, does not exceed 30 percent of the gross annual income of a household at 80 percent of the highest of the following:
 - (i) the county median income, as defined by the U.S. Department of Housing and Urban Development;
 - (ii) the standard metropolitan statistical area median income if the municipality is located in such an area, as defined by the U.S. Department of Housing and Urban Development; or
 - (iii) the statewide median income, as defined by the U.S. Department of Housing and Urban Development.

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- 10 VSA 6001(3)(A)"Development" means each of the following: (and therefore requires a permit)
- (iv)...10 or more units of housing...
 - (I) A priority housing project shall constitute a development under this subdivision (iv) only if the number of housing units in the project is:
 - (aa) [Repealed.]
 - (bb) [Repealed.]
 - (cc) 75 or more, in a municipality with a population of 6,000 or more but less than 10,000.
 - (dd) 50 or more, in a municipality with a population of 3,000 or more but less than 6,000.
 - (ee) 25 or more, in a municipality with a population of less than 3,000.
- (ff) Notwithstanding subdivisions (cc) through (ee) of this subdivision (3)(A)(iv)(I), 10 or more if the construction involves the demolition of one or more buildings that are listed on or eligible to be listed on the State or National Register of Historic Places. However, demolition shall not be considered to create jurisdiction under this subdivision if the Division for Historic Preservation has determined that the proposed demolition will have no adverse effect, will have no adverse effect if specified conditions are met, or will have an adverse effect that will be adequately mitigated. Any imposed conditions shall be enforceable through a grant condition, deed covenant, or other legally binding document.
 - (II) The determination of jurisdiction over a priority housing project shall count only the housing units included in that discrete project.
 - (III) Housing units in a priority housing project shall not count toward determining jurisdiction over any other project.

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- 10 VSA 6001(3)(C)
- For the purposes of determining jurisdiction under subdivision (3)(A) of this section, the following shall apply:
- (v) Permanently affordable housing. Notwithstanding subdivisions (3)(A)(iv) and (19) of this section, jurisdiction shall be determined exclusively by counting affordable housing units, as defined by this section, that are subject to housing subsidy covenants as defined in 27 V.S.A. § 610 that preserve their affordability for a period of 99 years or longer, provided the affordable housing units are located in a discrete project on a single tract or multiple contiguous tracts of land, regardless of whether located within an area designated under 24 V.S.A. chapter 76A.

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- 10 VSA 6001(3)(D) The word "development" does not include:
- (viii)(I) The construction of a priority housing project in a municipality with a population of 10,000 or more. (*Any number of units*)
- (II) If the construction of a priority housing project in this subdivision (3)(D)(viii) involves demolition of one or more buildings that are listed or eligible to be listed on the State or National Register of Historic Places, this exemption shall not apply unless the Division for Historic Preservation has made the determination described in subdivision (A)(iv)(I)(ff) of this subdivision (3) and any imposed conditions are enforceable in the manner set forth in that subdivision. (slide 5)

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- 10 VSA 6081 (Exemption section)
- (o) If a designation pursuant to 24 V.S.A. chapter 76A is removed, subsection (a) (which requires “development” to get a permit) of this section shall apply to any subsequent substantial change to a priority housing project that was originally exempt pursuant to subdivision 6001(3)(A)(iv)(I) of this title on the basis of that designation.
- (p)
 - (1) No permit or permit amendment is required for any change to a project that is located entirely within a downtown development district designated pursuant to 24 V.S.A. § 2793, if the change consists exclusively of any combination of mixed use and mixed income housing, and the cumulative changes within any continuous period of five years, commencing on or after the effective date of this subsection, remain below any applicable jurisdictional threshold specified in subdivision 6001(3)(A)(iv)(I) of this title.
 - (2) No permit or permit amendment is required for a priority housing project in a designated center other than a downtown development district if the project remains below any applicable jurisdictional threshold specified in subdivision 6001(3)(A)(iv)(I) of this title and will comply with all conditions of any existing permit or permit amendment issued under this chapter that applies to the tract or tracts on which the project will be located. If such a priority housing project will not comply with one or more of these conditions, an application may be filed pursuant to section 6084 of this title.

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- 10 VSA 6084 Notice of application; hearings; commencement of review
 - (f) This subsection concerns an application for a new permit amendment to change the conditions of an existing permit or existing permit amendment in order to authorize the construction of a priority housing project described in subdivision 6081(p)(2) of this title.
 - (1) The District Commission may authorize a district coordinator to issue such an amendment, without notice and a hearing, if the applicant demonstrates that all parties to the existing permit or existing permit amendment, which contains the condition or conditions proposed to be changed, or their successors in interest have consented to the proposed changes to conditions relative to the criteria for which the party obtained party status.
 - (2) If the applicant is not able to obtain the consent of a party or parties or their successors in interest with respect to one or more of the conditions in the existing permit or permit amendment proposed to be changed, the applicant shall file a permit application pursuant to this section. However, review by the District Commission shall be limited to whether the changes to conditions not consented to by the party or parties or their successors in interest enable positive findings to be made under subsection 6086(a) and are authorized under subsection 6086(c) of this title.