
This act summary is provided for the convenience of the public and members of the General Assembly. It is intended to provide a general summary of the act and may not be exhaustive. It has been prepared by the staff of the Office of Legislative Counsel without input from members of the General Assembly. It is not intended to aid in the interpretation of legislation or to serve as a source of legislative intent.

Act No. 47 (S. 100). An act relating to housing opportunities made for everyone

Subjects: Housing; land use; Act 250; Human Rights Commission; municipal zoning

This act makes multiple changes to programs and funding to promote housing, including:

Multiple changes to municipal planning and zoning including:

- In residential districts served by sewer and water, a municipality cannot require more than one parking space per dwelling unit. However, it may require 1.5 spaces for multiunit dwellings in areas without sewer and water if existing other parking isn't sufficient.
- Municipalities must allow duplexes where single family units are allowed. Municipalities must permit multiunit dwellings with up to four units in areas of the town served by sewer and water, unless the town requires more units to be built.
- Requiring towns to subject accessory dwelling unit (ADUs) to same standards of review as single-family homes and prohibiting towns from making the criteria for detached ADUs stricter than for single family homes.
- Municipal zoning cannot prohibit hotels renting to those using housing assistance funds.
- In residential districts served by sewer and water, bylaws shall establish building and lot standards to allow five or more units per acre; no dimensional standard for multiunit dwellings can be more restrictive than those for single-family dwellings.
- In residential districts served by sewer and water, affordable housing may add additional units up to 40% of the density and may add an additional floor or not.
- Municipalities may define what areas are "served by municipal sewer and water infrastructure" for purposes of these changes.
- Limiting the aspects of a homeless shelter that can be regulated in town zoning, including that bylaws cannot limit their daily and seasonal hours of operation.
- Requires that specific information be submitted to the Department of Housing and Community Development when municipalities adopt new zoning bylaws or update bylaws, including uploading bylaws and zoning districts to the State database.
- Under the provision that gives any 10 voters, residents, or property owners in a town the ability to appeal a zoning decision, prohibits the ability to appeal the character of the area for affordable housing development.

- Allows towns to give their administrative officer authority to approve minor subdivisions and decide if a hearing is required for minor subdivisions.
- Clarifies existing law that the character of the area cannot be appealed in decisions on certain types of housing. Other elements of the decision may be appealed.
- Establishes “by right zoning” which requires an appropriate municipal panel to provide reasons for adjusting dimensional requirements in permit decisions on housing.
- Requires additional detail in the housing element of regional plans and municipal plans. The regional plan shall include an estimate of the total housing investments needed and specific actions to address housing.
- Removes the ability of rural towns to require changes to bylaws be adopted by Australian ballot. Any town may still choose to use Australian ballot.
- Allows the Department of Housing and Community Development to use up to 20% of municipal planning funds to provide assistance to towns to meet the requirements of the neighborhood development area designation.

Requires the Vermont Association of Planning and Development Agencies (VAPDA) to study various issues related to improving and coordinating effectiveness between municipal, regional, and State planning.

VAPDA is directed to hire Housing Resource Navigators contingent upon an appropriation in FY 24 budget.

Multiple changes to the State development law known as Act 250, including:

- Raises the Act 250 jurisdictional threshold (for a permit) for housing units from 10 units to 25 for downtowns, neighborhood development areas, village centers with zoning and subdivision bylaws, and growth centers. Also, the construction of four units or fewer of housing in an existing structure shall only count as one unit towards the total number of units. This is a temporary provision that sunsets on July 1, 2026.
- Removes the cap on the number of priority housing projects that are exempt from Act 250 for downtowns, neighborhood development areas, and growth centers. This is a temporary provision that sunsets on July 1, 2026.
- To be exempt under the temporary Act 250 exemptions, a person needs to request a jurisdictional opinion, stating they would be exempt by June 30, 2026. Construction of exempt housing projects would need to be substantially completed by June 30, 2029.
- Allows municipalities to apply for master plan permits under Act 250 for their designated downtown or neighborhood development area. With a master plan, future development in the downtown would only need an Act 250 permit amendment, not an individual permit.
- Clarifies that the Act 250 fees apply per application and the cap on fees applies per application, not per project.
- Exempts electric distribution utilities from Act 250 for replacing or moving existing distribution lines. This is a temporary provision that sunsets on

January 1, 2026. Requires any utility that uses the exemption to report back to the relevant committees on the projects completed pursuant to the exemption.

VAPDA, in consultation with the Natural Resources Board and stakeholders, shall propose the framework needed to create a municipal delegation process for Act 250 permits; report due December 31, 2023.

Amends the Act 182 of 2022 report to also review the Act 250 housing jurisdictional trigger and whether it should be changed.

Extends the deadline for the Act 182 of 2022 Designated Area Report from July 15, 2023 to December 31, 2023.

Prohibits deed restrictions and covenants that require minimum dwelling unit size and more than one parking space in areas with sewer and water or 1.5 spaces in areas without sewer and water for multiunit dwellings if existing other parking isn't sufficient.

Requires sellers to disclose if a property is located on a class 4 highway or legal trail.

Creates a summer study committee to study how to increase compliance with the Residential Building Energy Standards and the Commercial Building Energy Standards. Report due Dec. 1, 2023.

The Rural Recovery Coordination Council is created to study and make recommendations on how to strengthen coordination between agencies and stakeholders involved in rural community development. Report due Dec. 15, 2023. Duty to implement contingent upon an appropriation in FY 24 budget.

Directs the Agency of Natural Resources (ANR) to identify any State permitting requirements or ANR processes that may be duplicated under State and local permits and propose how to eliminate such redundancies. Report due Jan. 31, 2025.

Directs the Public Utility Commission (PUC) to revise its rules concerning utility service disconnection at rental property to require a utility to provide notice of the disconnection to the property owner/landlord (even if the tenant is the ratepayer) and, more generally, to allow for remote disconnection. In addition, the PUC shall submit draft legislation to the General Assembly proposing similar disconnection requirements for utilities that are not subject to the PUC's jurisdiction (i.e., municipal and private water and wastewater companies).

Clarifies when an accessory dwelling unit is a public building subject to the jurisdiction of the Division of Fire Safety.

Increases the criminal penalty for a violation of the Fair Housing and Public Accommodations Act.

Directs the Division of Fire Safety to prepare a report on potential revisions to the State's fire and life safety codes for residential buildings that could facilitate the creation of additional residential units.

Creates a Mobile Home Task Force to study and report on the infrastructure, investment, and governance needs of mobile home parks and communities in this State.

Directs the Vermont Housing Finance Agency to provide grants for first generation homebuyers, the development of affordable housing, and the development of affordable rental housing, if funds are made available in fiscal year 2024.

Expands the Vermont Rental Housing Improvement Program to provide grants and loans for the creation of more types of affordable housing units, including the creation of new units.

Authorizes rental housing stabilization services, a tenant representation pilot program, and a rent arrears assistance fund if funding is made available for those purposes in fiscal year 2024.

Exempts rental target housing owners from certain regulatory and insurance requirements if the owners are personally performing lead-based paint activities on the property.

Effective Date: Multiple effective dates, beginning on June 5, 2023