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H.68

Introduced by Representatives Bongartz of Manchester, Austin of Colchester,  
Beck of St. Johnsbury, Birong of Vergennes, Bluemle of  
Burlington, Bos-Lun of Westminster, Brownell of Pownal,  
Brumsted of Shelburne, Burke of Brattleboro, Campbell of St.  
Johnsbury, Carroll of Bennington, Chase of Chester, Chesnut-  
Tangerman of Middletown Springs, Cina of Burlington, Coffey  
of Guilford, Cordes of Lincoln, Dolan of Waitsfield, Durfee of  
Shaftsbury, Elder of Starksboro, Emmons of Springfield,  
Goldman of Rockingham, Graning of Jericho, Hango of  
Berkshire, Harrison of Chittenden, Jerome of Brandon, Morris  
of Springfield, Mrowicki of Putney, Mulvaney-Stanak of  
Burlington, Ode of Burlington, Page of Newport City, Patt of  
Worcester, Rachelson of Burlington, Rice of Dorset, Satcowitz  
of Randolph, Scheu of Middlebury, Shaw of Pittsford, Toleno  
of Brattleboro, White of Bethel, and Whitman of Bennington

Referred to Committee on

Date:

Subject: Conservation and development; land use; housing; municipal zoning;

Human Rights Commission

1 Statement of purpose of bill as introduced: This bill proposes to do the  
2 following:

- 3 • create a Statewide zoning standard to treat duplexes as an allowed  
4 use in residential zoning districts and up to a four-unit building as  
5 an allowed use in areas of residential zoning districts served by  
6 municipal water and sewer;
- 7 • set a Statewide zoning standard for minimum parking at one per  
8 dwelling unit, allowing builders to determine if additional spaces  
9 are needed;
- 10 • create a Statewide zoning standard for a habitable floor density  
11 bonus for qualifying mixed-income residential development in  
12 areas served by water and sewer, allowing one extra floor to  
13 support mixed-income housing in compliance with the Fire and  
14 Building Safety Code;
- 15 • hold accessory dwelling units to the same or similar standards of  
16 review established by the municipality for a single-family  
17 dwelling;
- 18 • require that specific information be submitted to the Department of  
19 Housing and Community Development when municipalities  
20 adopt new zoning bylaws;

- 1           • allow towns to give their administrative officer authority to  
2           approve minor subdivisions and a hearing on them is not  
3           required;
- 4           • clarify existing law that the character of the area cannot be  
5           appealed in decisions on certain types of housing;
- 6           • require an appropriate municipal panel to provide reasons for  
7           adjusting dimensional requirements in permit decisions on  
8           housing;
- 9           • prohibit towns from requiring more strict energy codes than the  
10          State energy codes, except those with existing authority;
- 11          • prohibit deed restrictions and covenants that require minimum  
12          dwelling unit size and more than one parking space;
- 13          • require sellers to disclose if a property is located on a class 4  
14          highway or legal trail;
- 15          • exempt wastewater projects from needing a State permit if the  
16          municipality can issue an authorization for it;
- 17          • require the Division of Fire Safety to prepare a report identifying  
18          potential revisions to the Vermont Fire and Building Safety Code  
19          to reduce the cost to develop housing;
- 20          • amend the Vermont Fair Housing and Public Accommodations Act  
21          to permit the Human Rights Commission to refer potential

1 violations of the Act to the Attorney General or a State's  
2 Attorney for enforcement, to provide additional time for the  
3 Commission to bring an action to enforce the Act, and to increase  
4 the criminal penalty for a violation of the Act; and  
5 • direct the Agency of Transportation to update the Vermont State  
6 road standards.

7 An act relating to removing State and municipal regulatory barriers for fair  
8 zoning and housing affordability

9 It is hereby enacted by the General Assembly of the State of Vermont:

10 \* \* \* Municipal Zoning \* \* \*

11 Sec. 1. 24 V.S.A. § 4414 is amended to read:

12 § 4414. ZONING; PERMISSIBLE TYPES OF REGULATIONS

13 \* \* \*

14 (4) Parking and loading facilities. A municipality may adopt provisions  
15 setting forth standards for permitted and required facilities for off-street  
16 parking and loading, which may vary by district and by uses within each  
17 district. However, a municipality shall not require more than one parking  
18 space per dwelling unit or accessory dwelling unit. These bylaws may also  
19 include provisions covering the location, size, design, access, landscaping, and  
20 screening of those facilities. In determining the number of parking spaces for

1 nonresidential uses and size of parking spaces required under these regulations,  
2 the appropriate municipal panel may take into account the existence or  
3 availability of employer “transit pass” and rideshare programs, public transit  
4 routes, and public parking spaces in the vicinity of the development. ~~However,~~  
5 ~~municipality shall not require an accessory dwelling unit to have more than~~  
6 ~~one parking space per bedroom.~~

7 \* \* \*

8 Sec. 2. 24 V.S.A. § 4412 is amended to read:

9 § 4412. REQUIRED PROVISIONS AND PROHIBITED EFFECTS

10 Notwithstanding any existing bylaw, the following land development  
11 provisions shall apply in every municipality:

12 (1) Equal treatment of housing and required provisions for affordable  
13 housing.

14 \* \* \*

15 (D) Bylaws shall designate appropriate districts and reasonable  
16 regulations for multiunit or multifamily dwellings. No bylaw shall have the  
17 effect of excluding these multiunit or multifamily dwellings from the  
18 municipality. In any district that allows residential development, duplexes and  
19 accessory dwelling units shall be an allowed use. In any district that is served  
20 by municipal sewer and water infrastructure that allows residential  
21 development, multiunit dwellings with four or fewer units shall be an allowed

1 use. No bylaw shall require larger lot sizes for a duplex than a single-family  
2 development, nor otherwise have the effect of prohibiting duplexes.

3 (E) Except for flood hazard and fluvial erosion area bylaws adopted  
4 pursuant to section 4424 of this title, no bylaw shall have the effect of  
5 excluding as a permitted use one accessory dwelling unit that is located within  
6 or appurtenant to a single-family dwelling on an owner-occupied lot. A bylaw  
7 ~~may~~ shall require a single-family dwelling with an accessory dwelling unit to  
8 be subject to the same review, dimensional, or other controls as required for a  
9 single-family dwelling without an accessory dwelling unit. The criteria for  
10 conversion of an existing detached nonresidential building to habitable space  
11 for an accessory dwelling unit shall not be more restrictive than the criteria  
12 used for a single-family dwelling without an accessory dwelling unit. An  
13 “accessory dwelling unit” means a distinct unit that is clearly subordinate to a  
14 single-family dwelling, and has facilities and provisions for independent living,  
15 including sleeping, food preparation, and sanitation, provided there is  
16 compliance with all the following:

17 (i) The property has sufficient wastewater capacity.

18 (ii) The unit does not exceed 30 percent of the total habitable floor  
19 area of the single-family dwelling or 900 square feet, whichever is greater.

20 \* \* \*

1           (12) In any district served by municipal sewer and water infrastructure  
2           that allows residential development, bylaws shall establish lot and building  
3           dimensional and density standards that allow five or more dwelling units per  
4           acre for allowed residential uses, and no dimensional and density standard for  
5           multiunit dwellings shall be more restrictive than those required for single-  
6           family dwellings.

7           (13) In any district served by municipal sewer and water infrastructure  
8           that allows residential development, any mixed use developments and  
9           affordable housing developments, as defined in section 4303(2) of this title,  
10          may exceed building height limitations by one additional habitable floor  
11          beyond the maximum height and using that additional floor may exceed  
12          density limitations for residential developments by an additional 40 percent,  
13          provided that the structure complies with the Vermont Fire and Building Safety  
14          Code.

15          Sec. 3. 24 V.S.A. § 4413 is amended to read:

16          § 4413. LIMITATIONS ON MUNICIPAL BYLAWS

17                 (a)(1) The following uses may be regulated only with respect to  
18                 location, size, height, building bulk, yards, courts, setbacks, density of  
19                 buildings, off-street parking, loading facilities, traffic, noise, lighting,  
20                 landscaping, and screening requirements, and only to the extent that

1 regulations do not have the effect of interfering with the intended functional  
2 use:

3 (A) State- or community-owned and ~~operated~~ operated institutions  
4 and facilities;

5 (B) public and private schools and other educational institutions  
6 certified by the Agency of Education;

7 (C) churches and other places of worship, convents, and parish  
8 houses;

9 (D) public and private hospitals;

10 (E) regional solid waste management facilities certified under 10  
11 V.S.A. chapter 159;

12 (F) hazardous waste management facilities for which a notice of  
13 intent to construct has been received under 10 V.S.A. § 6606a; and

14 (G) emergency shelters.

15 (2) Except for State-owned and -operated institutions and facilities, a  
16 municipality may regulate each of the land uses listed in subdivision (1) of this  
17 subsection for compliance with the National Flood Insurance Program and for  
18 compliance with a municipal ordinance or bylaw regulating development in a  
19 flood hazard area or river corridor, consistent with the requirements of  
20 subdivision 2291(25) and section 4424 of this title. These regulations shall not  
21 have the effect of interfering with the intended functional use.





1 Sec. 5. 24 V.S.A. § 4441 is amended to read:

2 § 4441. PREPARATION OF BYLAWS AND REGULATORY TOOLS;

3 AMENDMENT OR REPEAL

4 \* \* \*

5 (c) When considering an amendment to a bylaw, the planning commission  
6 shall prepare and approve a written report on the proposal. A single report  
7 may be prepared so as to satisfy the requirements of this subsection concerning  
8 bylaw amendments and subsection 4384(c) of this title concerning plan  
9 amendments. ~~The Department of Housing and Community Development shall~~  
10 ~~provide all municipalities with a form for this report.~~ The report shall provide  
11 a brief explanation of the proposed bylaw, amendment, or repeal and shall  
12 include a statement of purpose as required for notice under section 4444 of this  
13 title; and shall include findings regarding how the proposal:

14 (1) ~~Conforms~~ conforms with or furthers the goals and policies contained  
15 in the municipal plan, including the effect of the proposal on the availability of  
16 safe and affordable housing; and sections 4412, 4413, and 4414 of this title;

17 (2) ~~Is~~ is compatible with the proposed future land uses and densities of  
18 the municipal plan; and

19 (3) ~~Carries~~ carries out, as applicable, any specific proposals for any  
20 planned community facilities.

21 \* \* \*



1 located within 500 feet of a municipal boundary, at least 15 days prior to the  
2 public hearing.

3 (b) Plat; record. The approval of the appropriate municipal panel or  
4 administrative officer, if the bylaws provide for their approval of minor  
5 subdivisions, shall expire 180 days from that approval or certification unless,  
6 within that 180-day period, that plat shall have been duly filed or recorded in  
7 the office of the clerk of the municipality. After an approved plat or  
8 certification by the clerk is filed, no expiration of that approval or certification  
9 shall be applicable.

10 (1) The bylaw may allow the administrative officer to extend the date  
11 for filing the plat by an additional 90 days, if final local or State permits or  
12 approvals are still pending.

13 (2) No plat showing a new street or highway may be filed or recorded in  
14 the office of the clerk of the municipality until it has been approved by the  
15 appropriate municipal panel, or administrative officer if allowed under the  
16 bylaws, pursuant to subsection (a) of this section, and that approval is endorsed  
17 in writing on the plat, or the certificate of the clerk of the municipality showing  
18 the failure of the appropriate municipal panel to take action within the 45-day  
19 period is attached to the plat and filed or recorded with the plat. After that  
20 filing or recording, the plat shall be a part of the official map of the  
21 municipality.

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\* \* \*

Sec. 7. 24 V.S.A. § 4418 is amended to read:

§ 4418. SUBDIVISION BYLAWS

(2) Subdivision bylaws may include:

(A) ~~Provisions~~ provisions allowing the appropriate municipal panel to waive or modify, subject to appropriate conditions, the provision of any or all improvements and requirements as in its judgment of the special circumstances of a particular plat or plats are not requisite in the interest of the public health, safety, and general welfare, or are inappropriate because of inadequacy or lack of connecting facilities adjacent or in proximity to the subdivision;

(B) ~~Procedures~~ procedures for conceptual, preliminary, partial, and other reviews preceding submission of a subdivision plat, including any administrative reviews;

(C) ~~Specific~~ specific development standards to promote the conservation of energy or to permit the utilization of renewable energy resources, or both;

(D) State standards and criteria under 10 V.S.A. § 6086(a); and

provisions to allow the administrative officer to approve minor subdivisions.

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\* \* \* Appeals \* \* \*

Sec. 8. 24 V.S.A. § 4471 is amended to read:

§ 4471. APPEAL TO ENVIRONMENTAL DIVISION

\* \* \*

(e) Neighborhood development area. Notwithstanding subsection (a) of this section, a determination by an appropriate municipal panel that a residential development will not result in an undue adverse effect on the character of the area affected shall not be subject to appeal if the ~~determination is that a~~ proposed residential development seeking conditional use approval under subdivision 4414(3) of this title is within a designated downtown development district, designated growth center, ~~designated Vermont neighborhood,~~ or designated neighborhood development area seeking conditional use approval will not result in an undue adverse effect on the character of the area affected under subdivision 4414(3) of this title. Other elements of the determination made by the appropriate municipal panel may be appealed.

\* \* \* By Right \* \* \*

Sec. 9. 24 V.S.A. § 4464(b) is amended to read:

(b) Decisions.

\* \* \*

1           (7)(A) A decision rendered by the appropriate municipal panel for a  
2           housing development or the housing portion of a mixed-use development shall  
3           not:

4                     (i) increase the minimum lot size required in the municipal  
5           bylaws;

6                     (ii) increase the minimum parking requirements required in the  
7           municipal bylaws and in section 4414 of this title;

8                     (iii) reduce the building size to less than that allowed in the  
9           municipal bylaws, including reducing the building footprint or height;

10                    (iv) reduce the density of dwelling units allowed in the municipal  
11           bylaws; and

12                    (v) otherwise disallow a development to abide by the minimum or  
13           maximum applicable municipal standards;

14                    (B) However, a decision may require adjustments to the applicable  
15           municipal standards listed in subdivision (A) of this subdivision (b)(7) if the  
16           panel or officer issues a written finding stating:

17                    (i) why the modification is necessary to comply with a  
18           prerequisite State or federal permit, municipal permit, or a nondiscretionary  
19           standard in a bylaw or ordinance, including requirements related to wetlands,  
20           setbacks, and flood hazard areas and river corridors; and

1                   (ii) how the identified restrictions do not result in an unequal  
2 treatment of housing or an unreasonable exclusion of housing development  
3 otherwise allowed by the bylaws.

4   \* \* \* Energy Codes \* \* \*

5       Sec. 10. 24 V.S.A. § 3101(a) is amended to read:

6           (a) The mayor and board of aldermen of a city, the selectboard of a town,  
7 or the trustees of an incorporated village, may, in accordance with this chapter,  
8 establish codes and regulations for the construction, maintenance, repair, and  
9 alteration of buildings and other structures within the municipality. Such  
10 codes and regulations may include provisions relating to building materials,  
11 structural design, passageways, stairways and exits, heating systems, fire  
12 protection procedures, and such other matters as may be reasonably necessary  
13 for the health, safety, and welfare of the public, but excluding electrical  
14 installations subject to regulation under 26 V.S.A. chapter 15. Any energy  
15 codes and regulations adopted after July 1, 2023 shall not be more restrictive  
16 than the Residential Building Energy Standards or the stretch code adopted  
17 under 30 V.S.A. § 51 or the Commercial Building Energy Standards adopted  
18 under 30 V.S.A. § 53, except where enabled by a municipal charter.





1 section 610 of this title and held in whole or in part by an eligible applicant as  
2 defined in 10 V.S.A. § 303(4) or the Vermont Housing Finance Agency.

3 \* \* \* Road Disclosure \* \* \*

4 Sec. 13. 27 V.S.A. § 617 is added to read:

5 § 617. DISCLOSURE OF CLASS 4 ROAD

6 (a) Disclosure of maintenance on class 4 highway. Any property owner  
7 who sells property located on a class 4 highway or legal trail shall disclose to  
8 the buyer that the municipality is not required to maintain the highway or trail  
9 as described in 19 V.S.A. § 310.

10 (b) Marketability of title. Noncompliance with the requirements of this  
11 section shall not affect the marketability of title of a property.

12 \* \* \* Wastewater Connection Permits \* \* \*

13 Sec. 14. 10 V.S.A. § 1974 is amended to read:

14 § 1974. EXEMPTIONS

15 Notwithstanding any other requirements of this chapter, the following  
16 projects and actions are exempt:

17 \* \* \*

18 (9) A project completed by a person who receives an authorization from  
19 a municipality that administers a program registered with the Secretary  
20 pursuant to section 1983 of this title.

1 Sec. 15. 10 V.S.A. § 1983 is added to read:

2 § 1983. AUTHORIZATION FOR MUNICIPAL WASTEWATER SYSTEM  
3 AND POTABLE WATER SUPPLY CONNECTIONS

4 (a) A municipality may issue an authorization for a connection or an  
5 existing connection with a change in use to the municipal sanitary sewer  
6 collection line via a sanitary sewer service line or a connection to a water main  
7 via a new water service line in lieu of permits issued under this chapter,  
8 provided that the municipality documents the following in a form prescribed  
9 by the Secretary:

10 (1) The municipality owns or has legal control over connections to a  
11 public community water system permitted pursuant to chapter 56 of this title  
12 and over connections to a wastewater treatment facility permitted pursuant to  
13 chapter 47 of this title.

14 (2) The municipality shall only issue authorizations for:

15 (A) a sanitary sewer service line that connects to the sanitary sewer  
16 collection line; and

17 (B) a water service line that connects to the water main.

18 (3) The building or structure authorized under this section connects to  
19 both the sanitary sewer collection line and public community water system.

1           (4) The authorizations from the municipality comply with the technical  
2           standards for sanitary sewer service lines and water service lines in the  
3           Wastewater System and Potable Water Supply Rules.

4           (5) The municipality requires documentation issued by a professional  
5           engineer or licensed designer that is filed in the land records that the  
6           connection authorized by the municipality was installed in accordance with the  
7           technical standards.

8           (6) The municipality requires the authorization to be filed in the land  
9           records.

10          (7) The municipality requires the retention of plans that show the  
11          location and design of authorized connections.

12          (b) The municipality shall notify the Secretary 30 days in advance of  
13          terminating any authorization. The municipality shall provide all  
14          authorizations and plans to the Secretary as a part of this termination notice.

15          (c) A municipality issuing an authorization under this section shall require  
16          the person to whom the authorization is issued to post notice of the  
17          authorization as part of the notice required for a permit issued under 24 V.S.A.  
18          § 4449 or other bylaw authorized under this chapter.



1           (4) identify potential revisions to the Vermont Fire and Building Safety  
2           Code to address the obstacles identified pursuant to subdivision (3) of this  
3           section or to reduce the cost of converting existing commercial and office  
4           space to residential units;

5           (5) discuss any potential benefits and drawbacks related to the potential  
6           revisions and approaches identified pursuant to subdivisions (1), (2), and (4) of  
7           this subsection, including any potential impacts on the cost of constructing and  
8           maintaining buildings and on the safety of building occupants;

9           (6) identify which of the potential revisions and approaches identified  
10          pursuant to subdivisions (1), (2), and (4) of this subsection the Division  
11          supports; and

12          (7) identify any legislative changes that are necessary to enable the  
13          Division to incorporate the revisions and approaches identified pursuant to  
14          subdivision (6) of this subsection into the Vermont Fire and Building Safety  
15          Code.

16          (b) While examining potential revisions to the Vermont Fire and Building  
17          Safety Code pursuant to subdivision (a)(1) of this section, the Executive  
18          Director shall examine the potential for:

19               (1) permitting a building to be constructed with a reduced number of  
20               means of egress if the building is equipped with life safety protections, such as  
21               an automatic fire sprinkler system; and



1 (e) A person shall not coerce, threaten, interfere, or otherwise discriminate  
2 against any individual who:

3 \* \* \*

4 (2) has lodged a complaint or has testified, assisted, or participated in  
5 any manner with the Human Rights Commission, the Attorney General, or a  
6 State's Attorney in an investigation of acts or practices prohibited by this  
7 chapter;

8 \* \* \*

9 Sec. 18. 9 V.S.A. § 4554 is amended to read:

10 § 4554. COMPLAINT; INVESTIGATION AND CONCILIATION

11 (a)(1) Any person who ~~believes he or she~~ has been subject to unlawful  
12 discrimination may file a complaint under oath with the Commission stating  
13 the facts concerning the alleged discrimination. Every complaint shall be  
14 reviewed by the staff of the Commission.

15 (2) If a complaint states a prima facie case, ~~it may be:~~

16 (A) the complaint may be accepted for investigation by the  
17 Commission; or

18 (B) if the complaint alleges a violation of the provisions of chapter  
19 139 of this title by a person other than the State, the Commission may, in its  
20 discretion, refer the complaint to either the Attorney General or a State's



1 Attorney for investigation and enforcement pursuant to subsection (i) of this  
2 section.

3 \* \* \*

4 (c) Upon receipt of ~~such~~ a complaint under subsection (a) or (b) of this  
5 section, if the Commission does not refer the complaint to the Attorney  
6 General or a State's Attorney, the Commission or its designated representative  
7 shall make every reasonable effort to resolve the matter by informal means  
8 prior to a determination whether there are reasonable grounds to believe that  
9 unlawful discrimination has occurred. The Commission or its designated  
10 representative shall conduct ~~such~~ a preliminary investigation as it deems  
11 necessary to determine whether there are reasonable grounds to believe that  
12 unlawful discrimination has occurred. In conducting an investigation, the  
13 Commission or its designated representative shall have access at all reasonable  
14 times to premises, records, documents, individuals, and other evidence or  
15 possible sources of evidence and may examine, record, and copy those  
16 materials and take and record the testimony or statements of such persons as  
17 are reasonably necessary. The Commission shall make every reasonable effort  
18 to interview each relevant and noncumulative witness identified by a party. If  
19 a witness is interviewed, a summary of the witness statement shall be included  
20 in any report prepared in connection with the complaint. ~~Such~~ The statement

1 shall be taken into consideration in determining whether or not there are  
2 reasonable grounds to believe that unlawful discrimination has occurred.

3 \* \* \*

4 (e)(1) If the Commission finds reasonable grounds to believe that unlawful  
5 discrimination has occurred, but does not find an emergency, it shall make  
6 every reasonable effort to eliminate the discrimination by informal means, such  
7 as conference, conciliation, and persuasion. If the case is disposed of by  
8 informal means in a manner satisfactory to a majority of the Commission, it  
9 shall dismiss the proceeding.

10 (2) If the case is not disposed of by informal means in a manner  
11 satisfactory to a majority of the Commission within six months, ~~the~~  
12 Commission shall either do one of the following within not more than 90  
13 additional days:

14 (A) bring an action in Superior Court as provided in section 4553 of  
15 this title;

16 (B) refer the case to the Attorney General or a State's Attorney for  
17 enforcement pursuant to subsection (i) of this section and section 4507 of this  
18 title; or

19 (C) dismiss the proceedings, ~~unless an extension is necessary to~~  
20 ~~complete ongoing good faith negotiations and all parties consent to the~~  
21 ~~extension.~~



1 Sec. 19. 9 V.S.A. § 4507 is amended to read:

2 § 4507. CRIMINAL PENALTY

3 A person who violates a provision of this chapter shall be fined not more  
4 than ~~\$1,000.00~~ \$10,000.00 per violation.

5 \* \* \* Road Size \* \* \*

6 Sec. 20. ROAD SIZE STANDARDS

7 On or before December 31, 2024, the Agency of Transportation shall update  
8 the Vermont State Standards for the Design of Transportation Construction,  
9 Reconstruction, and Rehabilitation on Freeways, Roads, and Streets (C.V.R.  
10 14-010-019) (Vermont State Standards) to create context-sensitive, multimodal  
11 projects that support smart growth in urban areas.

12 \* \* \* Effective Dates \* \* \*

13 Sec. 21. EFFECTIVE DATES

14 This act shall take effect as follows:

15 (1) Secs. 1 (24 V.S.A. § 4414), 2 (24 V.S.A. § 4412) except for  
16 subdivision (D), 3 (24 V.S.A. § 4413), and 4 (24 V.S.A. § 4303) shall take  
17 effect on December 1, 2024.

18 (2) All other Secs., including Sec. 2 subdivision (D), shall take effect on  
19 July 1, 2023.