

1 S.100

2 An act relating to housing opportunities made for everyone

3 The House proposes to the Senate to amend the bill by striking out all after
4 the enacting clause and inserting in lieu thereof the following:

5 * * * Municipal Zoning * * *

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

7 § 4414. ZONING; PERMISSIBLE TYPES OF REGULATIONS

8 * * *

9 (4) Parking and loading facilities. A municipality may adopt provisions
10 setting forth standards for permitted and required facilities for off-street
11 parking and loading, which may vary by district and by uses within each
12 district. In any district that is served by municipal sewer and water
13 infrastructure that allows residential uses, a municipality shall not require more
14 than one parking space per dwelling unit. However, a municipality may
15 require 1.5 parking spaces for duplexes and multi-unit dwellings in areas not
16 served by sewer and water and in areas that are located more than one-quarter
17 mile away from public parking rounded up to the nearest whole number when
18 calculating the total number of spaces. These bylaws may also include
19 provisions covering the location, size, design, access, landscaping, and
20 screening of those facilities. In determining the number of parking spaces for
21 nonresidential uses and size of parking spaces required under these regulations,

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

6 * * *

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

8 § 4412. REQUIRED PROVISIONS AND PROHIBITED EFFECTS

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

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

13 * * *

14 (D) Bylaws shall designate appropriate districts and reasonable
15 regulations for multiunit or multifamily dwellings. No bylaw shall have the
16 effect of excluding these multiunit or multifamily dwellings from the
17 municipality. In any district that allows year-round residential development,
18 duplexes shall be an allowed use with the same dimensional standards as a
19 single-unit dwelling. In any district that is served by municipal sewer and
20 water infrastructure that allows residential development, multiunit dwellings

1 with four or fewer units shall be a permitted use, unless that district
2 specifically requires multiunit structures to have more than four dwelling units.

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. ~~An accessory~~
10 ~~dwelling unit means a distinct unit that is clearly subordinate to a single family~~
11 ~~dwelling, and has facilities and provisions for independent living, including~~
12 ~~sleeping, food preparation, and sanitation, provided there is compliance with~~
13 ~~all the following:~~ The criteria for conversion of an existing detached
14 nonresidential building to habitable space for an accessory dwelling unit shall
15 not be more restrictive than the criteria used for a single-family dwelling
16 without an accessory dwelling unit.

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 (a)(1) The following uses may be regulated only with respect to location,
2 size, height, building bulk, yards, courts, setbacks, density of buildings, off-
3 street parking, loading facilities, traffic, noise, lighting, landscaping, and
4 screening requirements, and only to the extent that regulations do not have the
5 effect of interfering with the intended functional use:

6 (A) State- or community-owned and ~~operated~~ -operated institutions
7 and facilities;

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

10 (C) churches and other places of worship, convents, and parish
11 houses;

12 (D) public and private hospitals;

13 (E) regional solid waste management facilities certified under
14 10 V.S.A. chapter 159;

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

17 (G) emergency shelters.

18 (2) Except for State-owned and -operated institutions and facilities, a
19 municipality may regulate each of the land uses listed in subdivision (1) of this
20 subsection for compliance with the National Flood Insurance Program and for
21 compliance with a municipal ordinance or bylaw regulating development in a

1 flood hazard area or river corridor, consistent with the requirements of
2 subdivision 2291(25) and section 4424 of this title. These regulations shall not
3 have the effect of interfering with the intended functional use.

4 (3) For purposes of this subsection, regulating the daily or seasonal
5 hours of operation of an emergency shelter shall constitute interfering with the
6 intended functional use.

7 * * *

8 Sec. 4. 24 V.S.A. § 4303 is amended to read:

9 § 4303. DEFINITIONS

10 The following definitions shall apply throughout this chapter unless the
11 context otherwise requires:

12 * * *

13 (38) “Accessory dwelling unit” means a distinct unit that is clearly
14 subordinate to a single-family dwelling and has facilities and provisions for
15 independent living, including sleeping, food preparation, and sanitation,
16 provided there is compliance with all the following:

17 (A) the property has sufficient wastewater capacity; and

18 (B) 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 (39) “Duplex” means a residential building that has two dwelling units
21 in the same building and neither unit is an accessory dwelling unit.

1 (40) “Emergency shelter” means any facility, the primary purpose of
2 which is to provide a temporary shelter for the homeless in general or for
3 specific populations of the homeless and that does not require occupants to
4 sign leases or occupancy agreements.

5 (41) “Multiunit or multifamily dwelling” means a building that contains
6 three or more dwelling units in the same building.

7 (42)(A) An area “served by municipal sewer and water infrastructure”
8 means:

9 (i) an area where residential connections and expansions are
10 available to municipal water and direct and indirect discharge wastewater
11 systems and not prohibited by:

12 (I) State regulations or permits;

13 (II) identified capacity constraints; or

14 (III) municipally adopted service and capacity agreements; or

15 (ii) an area established by the municipality by ordinance or bylaw
16 where residential connections and expansions are available to municipal water
17 and direct and indirect discharge wastewater systems and which may exclude:

18 (I) flood hazard or inundation areas as established by statute,

19 river corridors or fluvial erosion areas as established by statute, shorelands,

20 areas within a zoning district or overlay district the purpose of which is natural

1 resource protection, and wherever year-round residential development is not
2 allowed;

3 (II) areas with identified service limits established by State
4 regulations or permits, identified capacity constraints, or municipally adopted
5 service and capacity agreements;

6 (III) areas served by sewer and water to address an identified
7 community-scale public health hazard or environmental hazard;

8 (IV) areas serving a mobile home park that is not within an area
9 planned for year-round residential growth;

10 (V) areas serving an industrial site or park;

11 (VI) areas where service lines are located to serve the areas
12 described in subdivisions (III)–(V) of this subdivision (ii), but no connections
13 or expansions are permitted; or

14 (VII) areas that, through an approved Planned Unit
15 Development under section 4417 of this title or Transfer of Development
16 Rights under section 4423 of this title, prohibit year-round residential
17 development.

18 (B) Municipally adopted areas served by municipal sewer and water
19 infrastructure that limit sewer and water connections and expansions shall not
20 result in the unequal treatment of housing by discriminating against a year-
21 round residential use or housing type otherwise allowed in this chapter.

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 (h) Upon adoption or amendment of a bylaw, the planning commission
2 shall prepare an adoption report in form and content provided by the
3 Department of Housing and Community Development that:

4 (1) confirms that zoning districts' GIS data has been submitted to the
5 Department and that the data complies with the Vermont Zoning GIS Data
6 Standard adopted pursuant to 10 V.S.A. § 123;

7 (2) confirms that the complete bylaw has been uploaded to the
8 Municipal Plan and Bylaw Database;

9 (3) demonstrates conformity with sections 4412, 4413, and 4414 of this
10 title; and

11 (4) provides information on the municipal application of subchapters 7
12 (bylaws), 9 (administration), and 10 (panels) of this chapter for the Municipal
13 Planning Data Center and the prospective development of a statewide zoning
14 atlas.

15 Sec. 6. 24 V.S.A. § 4465 is amended to read:

16 § 4465. APPEALS OF DECISIONS OF THE ADMINISTRATIVE OFFICER

17 (a) An interested person may appeal any decision or act taken by the
18 administrative officer in any municipality by filing a notice of appeal with the
19 secretary of the board of adjustment or development review board of that
20 municipality or with the clerk of that municipality if no such secretary has been
21 elected. This notice of appeal must be filed within 15 days ~~of~~ following the

1 date of that decision or act, and a copy of the notice of appeal shall be filed
2 with the administrative officer.

3 (b) ~~For the purposes of~~ As used in this chapter, an “interested person”
4 means any one of the following:

5 (1) A person owning title to property, or a municipality or solid waste
6 management district empowered to condemn it or an interest in it, affected by a
7 bylaw, who alleges that the bylaw imposes on the property unreasonable or
8 inappropriate restrictions of present or potential use under the particular
9 circumstances of the case.

10 (2) The municipality that has a plan or a bylaw at issue in an appeal
11 brought under this chapter or any municipality that adjoins that municipality.

12 (3) A person owning or occupying property in the immediate
13 neighborhood of a property that is the subject of any decision or act taken
14 under this chapter, who can demonstrate a physical or environmental impact on
15 the person’s interest under the criteria reviewed, and who alleges that the
16 decision or act, if confirmed, will not be in accord with the policies, purposes,
17 or terms of the plan or bylaw of that municipality.

18 (4) Any ~~ten~~ 10 persons who may be any combination of voters,
19 residents, or real property owners within a municipality listed in subdivision
20 (2) of this subsection who, by signed petition to the appropriate municipal
21 panel of a municipality, the plan or a bylaw of which is at issue in any appeal

1 brought under this title, allege that any relief requested by a person under this
2 title, if granted, will not be in accord with the policies, purposes, or terms of
3 the plan or bylaw of that municipality. This petition to the appropriate
4 municipal panel must designate one person to serve as the representative of the
5 petitioners regarding all matters related to the appeal. For purposes of this
6 subdivision, an appeal shall not include the character of the area affected if the
7 project has a residential component that includes affordable housing.

8 (5) Any department and administrative subdivision of this State owning
9 property or any interest in property within a municipality listed in subdivision
10 (2) of this subsection, and the Agency of Commerce and Community
11 Development of this State.

12 * * *

13 * * * Subdivisions * * *

14 Sec. 7. 24 V.S.A. § 4463 is amended to read:

15 § 4463. SUBDIVISION REVIEW

16 (a) Approval of plats. Before ~~any~~ a plat for a major subdivision is
17 approved, a public hearing on the plat shall be held by the appropriate
18 municipal panel after public notice. A bylaw may provide for the
19 administrative officer to approve minor subdivisions. A copy of the notice
20 shall be sent to the clerk of an adjacent municipality, in the case of a plat

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. 8. 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.

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) require a larger lot size than the minimum as determined in the
5 municipal bylaws;

6 (ii) require more parking spaces than the minimum as determined
7 in the municipal bylaws and in section 4414 of this title;

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

10 (iv) limit the density of dwelling units to below that allowed in the
11 municipal 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 (7) if the panel
16 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 planning commission shall gather it. The regional planning commission's
2 assessment shall estimate the total needed housing investments in terms of
3 price, quality, unit size or type, and zoning district as applicable and shall
4 disaggregate regional housing targets or ranges by municipality. The housing
5 element shall include a set of recommended actions to satisfy the established
6 needs.

7 * * *

8 Sec. 12. 24 V.S.A. § 4382 is amended to read:

9 § 4382. THE PLAN FOR A MUNICIPALITY

10 (a) A plan for a municipality ~~may~~ shall be consistent with the goals
11 established in section 4302 of this title and compatible with approved plans of
12 other municipalities in the region and with the regional plan and shall include
13 the following:

14 * * *

15 (10) A housing element that shall include a recommended program for
16 ~~addressing low and moderate income persons'~~ public and private actions to
17 address housing needs as identified by the regional planning commission
18 pursuant to subdivision 4348a(a)(9) of this title. The program should use data
19 on year-round and seasonal dwellings and include specific actions to address
20 the housing needs of persons with low income and persons with moderate
21 income and account for permitted ~~accessory dwelling units, as defined in~~

1 ~~subdivision 4412(1)(E) of this title, which provide affordable housing~~
2 residential development as described in section 4412 of this title.

3 * * *

4 Sec. 13. 24 V.S.A. § 4442 is amended to read:

5 § 4442. ADOPTION OF BYLAWS AND RELATED REGULATORY
6 TOOLS; AMENDMENT OR REPEAL

7 * * *

8 (c) Routine adoption.

9 (1) A bylaw, bylaw amendment, or bylaw repeal shall be adopted by a
10 majority of the members of the legislative body at a meeting that is held after
11 the final public hearing, and shall be effective 21 days after adoption unless, by
12 action of the legislative body, the bylaw, bylaw amendment, or bylaw repeal is
13 warned for adoption by the municipality by Australian ballot at a special or
14 regular meeting of the municipality.

15 (2) ~~However, a rural town as defined in section 4303 of this chapter, by~~
16 ~~vote of that town at a special or regular meeting duly warned on the issue, may~~
17 ~~elect to require that bylaws, bylaw amendments, or bylaw repeals shall be~~
18 ~~adopted by vote of the town by Australian ballot at a special or regular meeting~~
19 ~~duly warned on the issue. That procedure shall then apply until rescinded by~~
20 ~~the voters at a regular or special meeting of the town.~~

21 * * *

1 Sec. 14. 24 V.S.A. § 4306 is amended read:

2 § 4306. MUNICIPAL AND REGIONAL PLANNING FUND

3 * * *

4 (b)(1) Allocations for performance contract funding to regional planning
5 commissions shall be determined according to a formula to be adopted by rule
6 under 3 V.S.A. chapter 25 by the Department for the assistance of the regional
7 planning commissions. Disbursement of funding to regional planning
8 commissions shall be predicated upon meeting performance goals and targets
9 pursuant to the terms of the performance contract.

10 (2) Disbursement to municipalities shall be awarded annually on or
11 before December 31 through a competitive program administered by the
12 Department providing the opportunity for any eligible municipality or
13 municipalities to compete regardless of size, provided that to receive funds, a
14 municipality:

15 (A) shall be confirmed under section 4350 of this title; or

16 (B)(i) shall use the funds for the purpose of developing a municipal
17 plan to be submitted for approval by the regional planning commission, as
18 required for municipal confirmation under section 4350 of this title; and

19 (ii) shall have voted at an annual or special meeting to provide
20 local funds for municipal and regional planning purposes.

1 Planning and Development Agencies shall consider possible new methods of
2 public engagement that promote equity and expand opportunity for meaningful
3 participation by impacted communities in the decisions affecting their physical
4 and social environment.

5 (b) The recommendations shall address how to accomplish the following:

6 (1) Aligning policies and implementation between municipalities,
7 regional planning commissions, and State entities to better address climate
8 change, climate resiliency, natural resources, housing, transportation,
9 economic development, other social determinants of health, and other place-
10 based issues.

11 (2) Building upon municipal and regional enhanced energy plans and
12 their implementation.

13 (3) Evaluating place-based policy and project decisions by the State,
14 regional planning commissions, and municipalities related to implementing
15 regional future land use maps and policies and recommending changes to
16 which of those governmental levels those decisions should occur, if necessary.

17 (4) Ensuring that State agency investment and policy decisions that
18 relate to land development are consistent with regional and local plans. The
19 investments assessed should include, at a minimum:

20 (A) drinking water;

21 (B) wastewater;

1 (C) stormwater;

2 (D) transportation;

3 (E) community and economic development;

4 (F) housing;

5 (G) energy; and

6 (H) telecommunications.

7 (5) Achieving statewide consistency of future land use maps and
8 policies to better support Act 250 and 30 V.S.A. § 248.

9 (6) How Act 250 and 30 V.S.A. § 248 could better support
10 implementation of regional future land use maps and policies.

11 (7) Better support implementation of regional future land use maps and
12 policies in the State designation program under 24 V.S.A. chapter 76A.

13 (8) Improving the quality and effectiveness of future land use maps in
14 regional and municipal plans through changes to 24 V.S.A. chapter 117
15 including:

16 (A) future land use map area delineations, definitions, statements,
17 and policies;

18 (B) existing settlement definitions and their relationship to future
19 land use maps;

20 (C) the role of regional plans in the review and approval of municipal
21 plans and planning processes; and

1 (D) a review mechanism to ensure bylaws are consistent with
2 municipal plans.

3 (c) The report should also discuss how best to implement the
4 recommendations, including the following:

5 (1) how best to phase in the recommendations;

6 (2) how to establish a mechanism for the independent review of regional
7 plans to ensure consistency with statutory requirements;

8 (3) what guidance and training will be needed to implement the
9 recommendations; and

10 (4) what incentives and accountability mechanisms are necessary to
11 accomplish these changes at all levels of government.

12 (d) The Vermont Association of Planning and Development Agencies shall
13 consult with the Agency of Transportation, the Agency of Natural Resources,
14 the Agency of Commerce and Community Development, the Department of
15 Public Service, Vermont Emergency Management, the Natural Resources
16 Board, the regional development corporations, the Vermont League of Cities
17 and Towns, statewide environmental organizations, and other interested parties
18 in developing the report and shall summarize comments.

19 (e) On or before December 15, 2023, the Vermont Association of Planning
20 and Development Agencies shall submit the report to the following
21 committees: the Senate Committees on Economic Development, Housing and

1 General Affairs, on Government Operations, on Natural Resources and
2 Energy, and on Transportation and the House Committees on Commerce and
3 Economic Development, on Environment and Energy, on General and
4 Housing, on Government Operations and Military Affairs, and on
5 Transportation.

6 (f) The Vermont Association of Planning and Development Agencies shall
7 be funded in fiscal year 2023 and fiscal year 2024 for this study through the
8 regional planning grant established in 24 V.S.A. § 4306.

9 Sec. 15a. HOUSING RESOURCE NAVIGATOR FOR REGIONAL

10 PLANNING COMMISSIONS

11 (a) The Vermont Association of Planning and Development Agencies shall
12 hire Housing Resource Navigators to work with municipalities, regional and
13 local housing organizations, and private developers to identify housing
14 opportunities, match communities with funding resources, and provide project
15 management support.

16 (b) The duty to implement this section is contingent upon an appropriation
17 in fiscal year 2024 from the General Fund to the Vermont Association of
18 Planning and Development Agencies for the purpose of hiring the Housing
19 Navigators as described in subsection (a) of this section.

1 five miles of any point on any involved land and within any continuous period
2 of five years. For purposes of this subsection, the construction of four units or
3 fewer of housing in an existing structure shall only count as one unit towards
4 the total number of units

5 * * *

6 (D) The word “development” does not include:

7 * * *

8 (viii)(I) The construction of a priority housing project in a
9 municipality with a population of 10,000 or more.

10 (II) If the construction of a priority housing project in this
11 subdivision (3)(D)(viii) involves demolition of one or more buildings that are
12 listed or eligible to be listed on the State or National Register of Historic
13 Places, this exemption shall not apply unless the Division for Historic
14 Preservation has made the determination described in subdivision (A)(iv)(I)(ff)
15 of this subdivision (3) and any imposed conditions are enforceable in the
16 manner set forth in that subdivision.

17 (III) Notwithstanding any other provision of law to the
18 contrary, until July 1, 2026, the construction of a priority housing project
19 located entirely within a designated downtown development district,
20 designated neighborhood development area, or a designated growth center.

21 * * *

1 Sec. 16a. ACT 250 EXEMPTION REQUIREMENTS

2 In order to qualify for the exemptions established in 10 V.S.A. § 6001
3 (3)(A)(xi) and (3)(D)(viii)(III), a person shall request a jurisdictional opinion
4 under 10 V.S.A. § 6007 on or before June 30, 2026. The jurisdictional opinion
5 shall require the project to substantially complete construction on or before
6 June 30, 2029 in order to remain exempt.

7 Sec. 17. 10 V.S.A. § 6086b is amended to read:

8 § 6086b. DOWNTOWN DEVELOPMENT; FINDINGS; MASTER PLAN

9 PERMITS

10 (a) Findings and conclusions. Notwithstanding any provision of this
11 chapter to the contrary, each of the following shall apply to a development or
12 subdivision that is completely within a downtown development district
13 designated under 24 V.S.A. chapter 76A and for which a permit or permit
14 amendment would otherwise be required under this chapter:

15 (1) In lieu of obtaining a permit or permit amendment, a person may
16 request findings and conclusions from the District Commission, which shall
17 approve the request if it finds that the development or subdivision will meet
18 subdivisions 6086(a)(1) (air and water pollution), (2) (sufficient water
19 available), (3) (burden on existing water supply), (4) (soil erosion), (5)
20 (traffic), (8) (aesthetics, historic sites, rare and irreplaceable natural areas),
21 (8)(A) (endangered species; necessary wildlife habitat), (9)(B) (primary

1 agricultural soils), (9)(C) (productive forest soils), (9)(F) (energy
2 conservation), and (9)(K) (public facilities, services, and lands) of this title.

3 * * *

4 (b) Master plan permits.

5 (1) Any municipality within which a downtown development district or
6 neighborhood development area has been formally designated pursuant to
7 24 V.S.A. chapter 76A may apply to the District Commission for a master plan
8 permit for that area or any portion of that area pursuant to the rules of the
9 Board. Municipalities making an application under this subdivision are not
10 required to exercise ownership of or control over the affected property.

11 (2) Subsequent development of an individual lot within the area of the
12 master plan permit that requires a permit under this chapter shall take the form
13 of a permit amendment.

14 (3) In neighborhood development areas, subsequent master plan permit
15 amendments shall only be issued for development that is housing.

16 (4) In approving a master plan permit and amendments, the District
17 Commission may include specific conditions that an applicant for an individual
18 project permit shall be required to meet.

19 (5) For a master plan permit issued pursuant to this section, an
20 application for an amendment may use the findings issued in the master plan

1 permit as a rebuttable presumption to comply within any applicable criteria
2 under subsection 6086(a) of this title.

3 Sec. 18. 10 V.S.A. § 6083a is amended to read:

4 § 6083a. ACT 250 FEES

5 (a) All applicants for a land use permit under section 6086 of this title shall
6 be directly responsible for the costs involved in the publication of notice in a
7 newspaper of general circulation in the area of the proposed development or
8 subdivision and the costs incurred in recording any permit or permit
9 amendment in the land records. In addition, applicants shall be subject to each
10 of the following fees for the purpose of compensating the State of Vermont for
11 the direct and indirect costs incurred with respect to the administration of the
12 Act 250 program:

13 (1) For applications for projects involving construction, \$6.65 for each
14 \$1,000.00 of the first \$15,000,000.00 of construction costs, and \$3.12 for each
15 \$1,000.00 of construction costs above \$15,000,000.00. An additional \$0.75
16 for each \$1,000.00 of the first \$15,000,000.00 of construction costs shall be
17 paid to the Agency of ~~Natural~~ Natural Resources to account for the Agency of
18 Natural Resources' review of Act 250 applications.

19 (2) For applications for projects involving the creation of lots, \$125.00
20 for each lot.

1 (3) For applications for projects involving exploration for or removal of
2 oil, gas, and fissionable source materials, a fee as determined under
3 subdivision (1) of this subsection or \$1,000.00 for each day of Commission
4 hearings required for such projects, whichever is greater.

5 (4) For applications for projects involving the extraction of earth
6 resources, including sand, gravel, peat, topsoil, crushed stone, or quarried
7 material, the greater of: a fee as determined under subdivision (1) of this
8 subsection; or a fee equivalent to the rate of \$0.02 per cubic yard of the first
9 million cubic yards of the total volume of earth resources to be extracted over
10 the life of the permit, and \$.01 per cubic yard of any such earth resource
11 extraction above one million cubic yards. Extracted material that is not sold or
12 does not otherwise enter the commercial marketplace shall not be subject to the
13 fee. The fee assessed under this subdivision for an amendment to a permit
14 shall be based solely upon any additional volume of earth resources to be
15 extracted under the amendment.

16 (5) For applications for projects involving the review of a master plan, a
17 fee equivalent to \$0.10 per \$1,000.00 of total estimated construction costs in
18 current dollars in addition to the fee established in subdivision (1) of this
19 subsection for any portion of the project seeking construction approval.

20 ~~(6) In no event shall a permit application fee exceed \$165,000.00.~~

1 (b) Notwithstanding the provisions of subsection (a) of this section, there
2 shall be a minimum fee of \$187.50 for original applications and \$62.50 for
3 amendment applications, in addition to publication and recording costs. These
4 costs shall be in addition to any other fee established by statute, unless
5 otherwise expressly stated. In addition, in no event shall the fee for an
6 individual permit or permit amendment application, including each individual
7 permit or permit amendment application seeking approval for any portion of a
8 project involving a master plan, exceed \$165,000.00.

9 * * *

10 Sec. 18a. REPORT; ACT 250 MUNICIPAL DELEGATION

11 (a) The Vermont Association of Planning and Development Agencies, in
12 consultation with the Natural Resources Board, shall develop a proposed
13 framework for delegating administration of Act 250 permits to municipalities.
14 They shall consult with other relevant stakeholders, including those with
15 experience issuing Act 250 permits under 10 V.S.A. chapter 151,
16 environmental organizations, State agencies, and municipal planning and
17 zoning officials. Each regional planning commission shall hold one public
18 meeting on the framework.

19 (b) On or before December 31, 2023, the Vermont Association of Planning
20 and Development Agencies shall report to the House Committee on
21 Environment and Energy and the Senate Committee on Natural Resources and

1 Energy on the proposed framework to delegate Act 250 permit administration
2 to municipalities.

3 Sec. 19. 2022 Acts and Resolves No. 182, Sec. 41 is amended to read:

4 Sec. 41. REPORT; NATURAL RESOURCES BOARD

5 (a) On or before December 31, 2023, the Chair of the Natural Resources
6 Board shall report to the House Committees on ~~Natural Resources, Fish, and~~
7 ~~Wildlife~~ Environment and Energy and on Ways and Means and the Senate
8 Committees on Finance and on Natural Resources and Energy on necessary
9 updates to the Act 250 program.

10 (b) The report shall include:

11 (1) How to transition to a system in which Act 250 jurisdiction is based
12 on location, which shall encourage development in designated areas; the
13 maintenance of intact rural working lands; and the protection of natural
14 resources of statewide significance, including biodiversity. Location-based
15 jurisdiction would adjust the threshold for Act 250 jurisdiction based on the
16 characteristics of the location. This section of the report shall consider whether
17 to develop thresholds and tiers of jurisdiction as recommended in the
18 Commission on Act 250: the Next 50 Years Report.

19 (2) How to use the Capability and Development Plan to meet the
20 statewide planning goals.

1 (3) An assessment of the current level of staffing of the Board and
2 District Commissions, including whether there should be a district coordinator
3 located in every district.

4 (4) Whether the permit fees are sufficient to cover the costs of the
5 program and, if not, a recommendation for a source of revenue to supplement
6 the fees.

7 (5) Whether the permit fees are effective in providing appropriate
8 incentives.

9 (6) Whether the Board should be able to assess its costs on applicants.

10 (7) Whether increasing jurisdictional thresholds for housing
11 development to 25 units under 10 V.S.A. § 6001(3)(A)(iv) would affect
12 housing affordability, especially for primary homeownership, and what the
13 potential impact of increasing those thresholds to 25 units would have on
14 natural and community resources addressed under existing Act 250 criteria.

15 Sec. 19a. 2022 Acts and Resolves No. 182, Sec. 40 is amended to read:

16 Sec. 40. DESIGNATED AREA REPORT; APPROPRIATION

17 * * *

18 (3) On or before ~~July 15, 2023~~, December 31, 2023, the consultant shall
19 submit a written report to the General Assembly with its findings and any
20 recommendations for legislative action.

1 Sec. 19b. 10 V.S.A. § 6081(y) is added to read:

2 (y) No permit or permit amendment is required for a retail electric
3 distribution utility’s rebuilding of existing electrical distribution lines and
4 related facilities to improve reliability and service to existing customers,
5 through overhead or underground lines in an existing corridor, road, or State or
6 town road right-of-way. Nothing in this section shall be interpreted to exempt
7 projects under this subsection from other required permits or the conditions on
8 lands subject to existing permits required by this section.

9 Sec. 19c. EXEMPTION REPEAL

10 10 V.S.A. § 6081(y) is repealed on January 1, 2026.

11 Sec. 19d. ELECTRIC DISTRIBUTION UTILITY PROJECT REPORT

12 On or before January 15, 2024, and annually until 2026, any distribution
13 utility that takes an action exempt under 10 V.S.A. § 6081(y) shall report to the
14 House Committee on Environment and Energy and the Senate Committees on
15 Finance and on Natural Resources and Energy on the projects completed
16 pursuant to that exemption in the preceding year. The report shall address: the
17 location of the projects, including whether it is located in a “1-acre town” or a
18 “10-acre town”; how many customers are affected by the project; whether the
19 project involved lines being hardened in place, buried underground, or
20 relocated to the right-of-way; how many poles were removed and how many
21 poles were set; and what permits the projects were required to receive.

1 property interest that is restricted by a housing subsidy covenant as defined by
2 section 610 of this title and held in whole or in part by an eligible applicant as
3 defined in 10 V.S.A. § 303(4) or the Vermont Housing Finance Agency.

4 * * * Road Disclosure * * *

5 Sec. 21. 27 V.S.A. § 617 is added to read:

6 § 617. DISCLOSURE OF CLASS 4 ROAD

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

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

13 * * * Building Energy Code Study Committee * * *

14 Sec. 22. FINDINGS

15 The General Assembly finds that:

16 (1) Vermont established the Residential Building Energy Standards
17 (RBES) in 1997 and the Commercial Building Energy Standards (CBES) in
18 2007. The Public Service Department is responsible for adopting and updating
19 these codes regularly but does not have the capacity to administer or enforce
20 them.

1 (2) The RBES and CBES are mandatory, but while municipalities with
2 building departments handle some aspects of review and inspection, there is no
3 State agency or office designated to interpret, administer, and enforce them.

4 (3) The Division of Fire Safety in the Department of Public Safety is
5 responsible for development, administration, and enforcement of building
6 codes but does not currently have expertise or capacity to add administration or
7 enforcement of energy codes in buildings.

8 (4) Studies in recent years show compliance with the RBES at about 54
9 percent and CBES at about 87 percent, with both rates declining. Both codes
10 are scheduled to become more stringent with the goal of “net-zero ready” by
11 2030.

12 (5) In December 2022, the U.S. Department of Energy issued the
13 Bipartisan Infrastructure Law: Resilient and Efficient Codes Implementation
14 Funding Opportunity Announcement. The first \$45 million of a five-year \$225
15 million program is available in 2023. Vermont’s increased code compliance
16 plans should include contingencies for this potential funding.

17 Sec. 23. ENERGY CODE COMPLIANCE; STUDY COMMITTEE

18 (a) Creation. There is created the Building Energy Code Study Committee
19 to recommend strategies for increasing compliance with the Residential
20 Building Energy Standards (RBES) and Commercial Building Energy
21 Standards (CBES).

1 (b) Membership. The Committee shall have 15 members with applicable
2 expertise, to include program design and implementation, building code
3 administration and enforcement, and Vermont’s construction industry. The
4 Speaker of the House shall appoint three members, including up to one
5 legislator. The Committee on Committees shall appoint two members,
6 including up to one legislator. The remaining members shall be the following:

7 (1) the Commissioner of Public Service or designee;

8 (2) the Director of Fire Safety or designee;

9 (3) a representative of Efficiency Vermont;

10 (4) a representative of American Institute of Architects–Vermont;

11 (5) a representative of the Vermont Builders and Remodelers

12 Association;

13 (6) a representative the Burlington Electric Department;

14 (7) a representative of Vermont Gas Systems;

15 (8) a representative of the Association of General Contractors of

16 Vermont;

17 (9) a representative of the Vermont League of Cities and Towns; and

18 (10) a representative from a regional planning commission.

19 (c) Powers and duties. The Committee shall:

20 (1) consider and recommend strategies to increase awareness of and

21 compliance with the RBES and CBES, including the potential designation of

1 the Division of Fire Safety (DFS) in the Department of Public Safety as the
2 statewide authority having jurisdiction for administration, interpretation, and
3 enforcement, in conjunction with DFS' existing jurisdiction, over building
4 codes;

5 (2) evaluate current cost-effectiveness analyses for the RBES and the
6 CBES, whether they include or should include nonenergy benefits such as
7 public health benefits and the cost of carbon, and how that impacts the
8 affordability of housing projects and provide recommendations; and

9 (3) assess how the building energy codes interact with the fire and
10 building safety codes.

11 (d) Assistance. The Committee shall have the administrative, technical,
12 and legal assistance of the Department of Public Service. The Department
13 shall hire a third-party consultant to assist and staff the Committee, which may
14 be funded by monies appropriated by the General Assembly or any grant
15 funding received.

16 (e) Report. On or before December 1, 2023, the Committee shall submit a
17 written report to the General Assembly with its findings and recommendations
18 for legislative action.

19 (f) Meetings.

20 (1) The Department of Public Service shall call the first meeting of the
21 Committee to occur on or before July 15, 2023.

1 (2) The Committee shall elect a chair from among its members at the
2 first meeting.

3 (3) A majority of the membership shall constitute a quorum.

4 (4) The final meeting shall be held on or before October 31, 2023. The
5 Committee shall cease to exist on December 1, 2023.

6 (g) Compensation and reimbursement.

7 (1) For attendance at meetings during adjournment of the General
8 Assembly, a legislative member of the Committee serving in the legislator's
9 capacity as a legislator shall be entitled to per diem compensation and
10 reimbursement of expenses pursuant to 2 V.S.A. § 23 for not more than six
11 meetings.

12 (2) Other members of the Committee who are not otherwise
13 compensated by their employer shall be entitled to per diem compensation and
14 reimbursement of expenses as permitted under 32 V.S.A. § 1010 for not more
15 than six meetings.

16 (3) The payments under this subsection (g) shall be made from monies
17 appropriated by the General Assembly or any grant funding received.

18 Sec. 24. RURAL RECOVERY COORDINATION COUNCIL

19 (a) Goals. The Rural Recovery Coordination Council is created to study
20 and make recommendations on how to strengthen coordination between
21 agencies and stakeholders involved in rural community development.

1 **(b) Purposes. The Council shall consider and identify strategies to:**

2 **(1) prioritize areas of investment into Vermont’s rural communities in**
3 **order to ensure necessary resources to meet Vermont’s climate goals, rural**
4 **community development objectives, and environmental sustainability**
5 **requirements;**

6 **(2) build long-term emergency and disaster preparedness and recovery;**

7 **(3) ensure intergovernmental and regional communications and**
8 **coordination; and**

9 **(4) improve access to technical assistance and support from regional and**
10 **statewide agencies and programs.**

11 **(c) Powers and duties. The Council shall identify structural changes and**
12 **improve coordination across all levels of government to support rural**
13 **community development, including addressing the following issues:**

14 **(1) a permanent structure for ensuring rural community development**
15 **programming within State government;**

16 **(2) how to better include rural voices in regional collaboration and**
17 **prioritization projects;**

18 **(3) how municipal, regional, and State plans, policies, and investments**
19 **can be integrated and mutually supportive;**

20 **(4) where to establish an office of Rural Community Development and**
21 **how long the office should be authorized for; and**

1 (5) how to support capacity at the municipal level and how to support
2 multitown coordination and collaboration.

3 (d) Report. On or before December 15, 2023, the Council shall report to
4 the General Assembly and to the Agency of Administration with its findings,
5 recommendations, and draft legislation.

6 (e) Members. The Council shall comprise the following members:

7 (1) the Vermont Chief Performance Officer or designee;

8 (2) the Secretary of Commerce and Community Development or
9 designee;

10 (3) the Commissioner of Public Service or designee;

11 (4) the Secretary of Transportation or designee;

12 (5) the Director of Racial Equity or designee;

13 (6) one or more representatives from the regional planning commissions
14 appointed by the Vermont Association of Planning and Development
15 Agencies;

16 (7) one or more representatives from the regional development
17 corporations appointed by the Regional Development Corporations of
18 Vermont;

19 (8) the Executive Director of the Vermont League of Cities and Towns
20 or designee;

1 (9) a member, appointed by the Vermont Communications Union

2 Districts Association;

3 (10) the Secretary of Natural Resources or designee;

4 (11) a member, appointed by the University of Vermont Office of

5 Engagement;

6 (12) a member, appointed by the Vermont Housing and Conservation

7 Board;

8 (13) a member of the House of Representatives, appointed by the

9 Speaker of the House; and

10 (14) a member of the Senate, appointed by the Committee on

11 Committees.

12 (f) Compensation and reimbursement.

13 (1) For attendance at meetings during adjournment of the General
14 Assembly, a legislative member of the Council shall be entitled to per diem
15 compensation and reimbursement of expenses pursuant to 2 V.S.A. § 23.

16 (2) Other members of the Council shall be entitled to per diem
17 compensation and reimbursement of expenses as permitted under 32 V.S.A.
18 § 1010.

19 (g) Meetings; administration.

20 (1) The Council shall meet at least five times and take testimony from a
21 variety of stakeholders, including from representatives from municipalities of

1 variety of sizes and from those with experience in state land use planning,
2 regional planning, municipal planning, economic planning, or strategic
3 planning.

4 (2) The Vermont Council on Rural Development shall convene the first
5 meeting the Rural Recovery Coordination Council, facilitate the meetings, and
6 provide administrative support.

7 (3) The Committee shall cease to exist on March 31, 2024.

8 (h) The duty to implement this section is contingent upon an appropriation
9 in fiscal year 2024 from the General Fund to the Agency of Commerce and
10 Community Development to provide funding for the Council as follows:

11 (1) an appropriation to the Vermont Council on Rural Development to
12 convene meetings of the Council and provide administrative and policy
13 support; and

14 (2) an appropriation to provide per diem compensation and
15 reimbursement of expenses for members of the Council.

16 **Sec. 25. ANR REVIEW OF PERMITTING OF POTABLE WATER AND**
17 **WASTEWATER CONNECTION PERMITS**

18 (a) The Agency of Natural Resources (ANR) shall review the statutory
19 requirements, regulatory requirements, and ANR processes governing ANR's
20 issuance of potable water and wastewater connection permits in order to
21 identify approaches for reducing the administrative burden and costs incurred

1 by municipalities and permit applicants. In conducting its review, ANR shall
2 consult with the Agency of Commerce and Community Development,
3 representatives of municipalities, professional engineers and licensed
4 designers, and environmental organizations regarding alternatives for
5 improving permitting of potable water and wastewater connections.

6 (b) In conducting the review required by this section, ANR shall:

7 (1) review and analyze the permitting standards and permit processes for
8 potable water and wastewater connections in other jurisdictions;

9 (2) identify any State permitting requirements or ANR processes that
10 may be duplicated under State and local permits and propose how to eliminate
11 such redundancies;

12 (3) assess how to simplify and expedite the permitting process for
13 potable water and wastewater connection permits;

14 (4) identify data and document sharing and management solutions for
15 potable water and wastewater connections connection permits, including how
16 to make municipal and State permits available to the public in an electronic
17 format or on a statewide platform; and

18 (5) propose revised criteria for the issuance of potable water and
19 wastewater connections connection permits, including criteria to address public
20 interest, public health and safety, and environmental impacts of connections.

1 (c) ANR shall complete the review required by this section on or before
2 July 1, 2025. The Agency is authorized to implement or revise any permitting
3 processes or criteria that do not require or conflict with statutory or regulatory
4 authority. On or before January 31, 2025, the Agency shall present to the
5 House Committee on Environment and Energy and the Senate Committee on
6 Natural Resources and Energy a written report or oral testimony on the status
7 of the review required under this section, including potential recommended
8 statutory or regulatory changes.

9 Sec. 25a. UTILITY DISCONNECTION; LANDLORD NOTIFICATION;

10 PUBLIC UTILITY COMMISSION; RULEMAKING

11 (a) For the purpose of promoting safety, the protection of property, and
12 providing assistance to tenants, the Public Utility Commission shall revise its
13 rules concerning utility service disconnection to:

14 (1) require that a utility provide notice to the property owner of
15 residential or nonresidential rental property if utility service to the property has
16 been disconnected, even if the tenant is the ratepayer; and

17 (2) allow a utility to disconnect utility service remotely.

18 (b) As used in this section, “utility service” means gas, electric, water, and
19 wastewater service subject to the jurisdiction of the Public Utility Commission.

20 (c) The rules adopted pursuant to subdivision (a)(1) of this section shall:

1 (1) establish the form, content, time, and manner of the notification
2 required by subdivision (a)(1) of this section;

3 (2) include a process whereby a property owner can request that the
4 notification is provided to a property manager or other appropriate third party;
5 and

6 (3) ensure that the notification does not include personal or confidential
7 information pertaining to the tenant or the tenant's account, except that the
8 utility may disclose information necessary to enable the property owner or
9 other applicable third party to reconnect utility service to the property.

10 (d) On or before January 1, 2024, the Public Utility Commission shall
11 submit to the House Committees on General and Housing and on Environment
12 and Energy and the Senate Committees on Economic Development, Housing
13 and General Affairs and on Finance a proposal in the form of draft legislation
14 that incorporates, as the Commission deems appropriate, the rules adopted by
15 the Commission pursuant to this section and that applies to utility
16 disconnections not subject to the jurisdiction of the Commission, including
17 water and sewer service provided by a water or sewer system owned by a
18 municipality, fire district, or private company subject to the uniform water and
19 sewer disconnection requirements in 24 V.S.A. chapter 129.

1 (4) one member, appointed by the Champlain Valley Office of
2 Economic Opportunity;

3 (5) one member, appointed by The Housing Foundation Inc.;

4 (6) one member, appointed by the Speaker of the House, representing
5 mobile home cooperative owners; and

6 (7) one member, appointed by the Vermont Housing and Conservation
7 Board.

8 (c) Powers and duties. The Task Force shall study the current landscape
9 for mobile homes and mobile home parks in this State, including the following
10 issues:

11 (1) the status of mobile homes and mobile home parks within Vermont's
12 housing portfolio;

13 (2) the condition and needs for mobile home park infrastructure among
14 parks of various sizes;

15 (3) the current statutory treatment of mobile homes either as personal or
16 real property;

17 (4) modern construction, energy efficiency, and durability of
18 manufactured housing, and the availability, affordability, and suitability of
19 alternative types of manufactured, modular, or other housing;

20 (5) the type and scope of data and information collected concerning
21 mobile home residents, mobile homes, and mobile home parks and

1 opportunities to make the data and information more centralized, accessible,
2 and useful for informing policy decisions; and

3 (6) conversion to cooperative ownership and technical assistance
4 available to prospective and new cooperative owners, including the availability
5 of guidance concerning governance structures, operation, and conflict
6 resolution.

7 (d) Assistance. For purposes of scheduling meetings and preparing a report
8 and recommendations, the Task Force shall have the assistance of the Office of
9 Legislative Operations, the Office of Legislative Counsel, and the Joint Fiscal
10 Office.

11 (e) Report. On or before January 15, 2024, the Task Force shall submit a
12 written report to the House Committee on General and Housing and the Senate
13 Committee on Economic Development, Housing and General Affairs with its
14 findings and any recommendations for legislative action.

15 (f) Meetings.

16 (1) The House of Representatives' member shall call the first meeting of
17 the Task Force to occur on or before September 1, 2023.

18 (2) The Committee shall select a chair from among its members at the
19 first meeting.

20 (3) A majority of the membership shall constitute a quorum.

21 (4) The Task Force shall cease to exist on January 15, 2024.

1 (g) Compensation and reimbursement.

2 (1) For attendance at meetings during adjournment of the General
3 Assembly, a legislative member of the Task Force shall be entitled to per diem
4 compensation and reimbursement of expenses pursuant to 2 V.S.A. § 23 for
5 not more than six meetings.

6 (2) Other members of the Task Force shall be entitled to per diem
7 compensation and reimbursement of expenses as permitted under 32 V.S.A.
8 § 1010 for not more than six meetings.

9 (3) Payments to members of the Task Force authorized under this
10 subsection shall be made from monies appropriated to the General Assembly.

11 (h) In fiscal year 2024, it is the intent of the General Assembly to
12 appropriate funds, if available, from the General Fund to the Department of
13 Housing and Community Development to provide financial support for home
14 repair, home improvement, housing transition, park infrastructure, legal
15 assistance, and technical assistance.

16 * * * Vermont Housing Finance Agency * * *

17 Sec. 33. 2022 Acts and Resolves No. 182, Sec. 2 is amended to read:

18 Sec. 2. FIRST-GENERATION HOMEBUYER; IMPLEMENTATION;

19 APPROPRIATION

20 (a) Guidelines. The Vermont Housing Finance Agency shall adopt
21 guidelines and procedures for the provision of grants to first-generation

1 homebuyers pursuant to 32 V.S.A. § 5930u(b)(3)(D) consistent with the
2 criteria of the Down Payment Assistance Program implemented pursuant to
3 32 V.S.A. § 5930u(b)(3) and with this section.

4 (b) As used in this section and 32 V.S.A. § 5930u(b)(3)(D), a “first-
5 generation homebuyer” means ~~an applicant~~ a homebuyer who self-attests that
6 the ~~applicant~~ homebuyer is an individual:

7 (1)~~(A)~~ whose parents or legal guardians:

8 (A) do not have and during the homebuyer’s lifetime have not had
9 any present residential ownership interest in any State state; and or

10 (B) whose spouse, or domestic partner, and each member of whose
11 household has not, during the three year period ending upon acquisition of the
12 eligible home to be acquired, had any present ownership interest in a principal
13 residence in any State lost ownership of a home due to foreclosure, short sale,
14 or deed-in-lieu of foreclosure and have not owned a home since that loss; or

15 (2) ~~is an individual~~ who has at any time been placed in foster care.

16 * * *

17 Sec. 34. FIRST GENERATION HOMEBUYER; APPROPRIATION

18 In fiscal year 2024, it is the intent of the General Assembly to appropriate
19 funds, if available, from the General Fund to the Vermont Housing Finance
20 Agency for grants through the First Generation Homebuyer Program.

1 * * * Middle-Income Homeownership

2 Development Program * * *

3 Sec. 35. REPEAL

4 2022 Acts and Resolves No. 182, Sec. 11 is repealed.

5 Sec. 36. MIDDLE-INCOME HOMEOWNERSHIP DEVELOPMENT

6 PROGRAM

7 (a) The Vermont Housing Finance Agency shall establish a Middle-Income
8 Homeownership Development Program pursuant to this section.

9 (b) As used in this section:

10 (1) “Affordable owner-occupied housing” means owner-occupied
11 housing identified in 26 U.S.C. § 143(c)(1) or that qualifies under Vermont
12 Housing Finance Agency criteria governing owner-occupied housing.

13 (2) “Income-eligible homebuyer” means a Vermont household with
14 annual income that does not exceed 150 percent of area median income.

15 (c) The Agency shall use the funds appropriated in this section to provide
16 subsidies for new construction or acquisition and substantial rehabilitation of
17 affordable owner-occupied housing for purchase by income-eligible
18 homebuyers.

19 (d) The total amount of subsidies for a project shall not exceed 35 percent
20 of eligible development costs, as determined by the Agency, which the Agency
21 may allocate consistent with the following:

1 (1) Developer subsidy. The Agency may provide a direct subsidy to the
2 developer, which shall not exceed the difference between the cost of
3 development and the market value of the home as completed.

4 (2) Affordability subsidy. Of any remaining amounts available for the
5 project after the developer subsidy, the Agency may provide a subsidy for the
6 benefit of the homebuyer to reduce the cost of purchasing the home, provided
7 that:

8 (A) the Agency includes conditions in the subsidy, or uses another
9 legal mechanism, to ensure that, to the extent the home value has risen, the
10 amount of the subsidy remains with the home to offset the cost to future
11 homebuyers; or

12 (B) the subsidy is subject to a housing subsidy covenant, as defined
13 in 27 V.S.A. § 610, that preserves the affordability of the home for a period of
14 99 years or longer.

15 (3) The Agency shall allocate not less than 33 percent of the funds
16 available through the Program to projects that include a housing subsidy
17 covenant consistent with subdivision (2)(B) of this subsection.

18 (e) The Agency shall adopt a Program plan that establishes application and
19 selection criteria, including:

20 (1) project location;

21 (2) geographic distribution;

- 1 (3) leveraging of other programs;
- 2 (4) housing market needs;
- 3 (5) project characteristics, including whether the project includes the use
4 of existing housing as part of a community revitalization plan;
- 5 (6) construction standards, including considerations for size;
- 6 (7) priority for plans with deeper affordability and longer duration of
7 affordability requirements;
- 8 (8) sponsor characteristics;
- 9 (9) energy efficiency of the development; and
- 10 (10) the historic nature of the project.
- 11 (f)(1) When implementing the Program, the Agency shall consult
12 stakeholders and experts in the field.
- 13 (2) The Program shall include:
- 14 (A) a streamlined and appropriately scaled application process;
- 15 (B) an outreach and education plan, including specific tactics to reach
16 and support eligible applicants, especially those from underserved regions or
17 sectors;
- 18 (C) an equitable system for distributing investments statewide on the
19 basis of need according to a system of priorities that includes consideration of:
- 20 (i) geographic distribution;
- 21 (ii) community size;

1 (iii) community economic need; and

2 (iv) whether an application has already received an investment or
3 is from an applicant in a community that has already received Program
4 funding.

5 (3) The Agency shall use its best efforts to ensure:

6 (A) that investments awarded are targeted to the geographic
7 communities or regions with the most pressing economic and employment
8 needs; and

9 (B) that the allocation of investments provides equitable access to the
10 benefits to all eligible geographical areas.

11 (g) The Agency may assign its rights under any investment or subsidy
12 made under this section to the Vermont Housing and Conservation Board or
13 any State agency or nonprofit organization qualifying under 26 U.S.C.
14 § 501(c)(3), provided such assignee acknowledges and agrees to comply with
15 the provisions of this section.

16 (h) The Department shall report to the House Committee on General and
17 Housing and the Senate Committee on Economic Development, Housing and
18 General Affairs on the status of the Program annually, on or before January 15.

19 Sec. 37. MIDDLE-INCOME HOMEOWNERSHIP; IMPLEMENTATION

20 The duty to implement Sec. 36 of this act is contingent upon an
21 appropriation of funds in fiscal year 2024 from the General Fund to the

1 Department of Housing and Community Development for a subgrant to the
2 Vermont Housing Finance Agency for the Middle-Income Homeownership
3 Development Program.

4 * * * Rental Housing Revolving Loan Program * * *

5 Sec. 38. RENTAL HOUSING REVOLVING LOAN PROGRAM

6 (a) Creation; administration. The Vermont Housing Finance Agency shall
7 design and implement a Rental Housing Revolving Loan Program and shall
8 create and administer a revolving loan fund to provide subsidized loans for
9 rental housing developments that serve middle-income households.

10 (b) Loans; eligibility; criteria.

11 (1) The Agency shall adopt processes, procedures, and guidelines to
12 implement the Program consistent with this section, including a simple
13 application process that is accessible to small developers, builders, and
14 contractors.

15 (2)(A) To be eligible for a subsidized loan through the Program, a
16 project shall create two or more new rental housing units, which may include
17 market rate and affordable units, provided that at least 25 percent of the units
18 in the project are affordable to a household earning between 65 and 150
19 percent of the applicable area median income.

1 (B) Projects may include new construction, acquisition with
2 substantial rehabilitation, and preservation of naturally occurring affordable
3 housing.

4 (3) A loan is available only for the costs of the project allocable to the
5 affordable units.

6 (4)(A) The Agency shall calculate the maximum amount of a loan,
7 which shall not exceed the lesser of:

8 (i) 35 percent of the costs of the project allocable to the affordable
9 units; or

10 (ii) the following amounts based on area median income bands:

11 (I) \$150,000.00 per unit for each unit that is affordable to a
12 household earning from 65 percent to 80 percent of area median income; and

13 (II) \$100,000.00 per unit for each unit that is affordable to a
14 household earning from 81 to 150 percent of area median income.

15 (B) The Agency shall adopt and implement a method to adjust the
16 values specified in subdivision (A)(ii) of this subdivision (4) at least annually
17 for inflation and may adopt a smoothing mechanism to adjust the maximum
18 loan values within each band based on levels of affordability.

19 (5) The Agency shall determine the term and interest rate of a loan. The
20 Agency may adopt one or more mechanisms to provide an enhanced subsidy to
21 incentivize projects, including:

1 (A) a lower interest rate;

2 (B) an interest-only option with deferred principal repayment; and

3 (C) partial loan forgiveness.

4 (6) The Agency shall adopt a Program plan that allows for an enhanced
5 subsidy for a project that meets one or more of the following:

6 (A) The project receives five percent or more of the total funding
7 from an employer or employer-capitalized loan or grant.

8 (B) The project receives five percent or more of the total funding
9 from a municipal or regional housing fund, local fiscal recovery fund, or other
10 form of community investment.

11 (C) The project utilizes tax-exempt bond funding or federal low-
12 income housing tax credits for at least 20 percent of the project's total units.

13 (D) The project is small in scale and provides infill development
14 within a historic settlement pattern.

15 (7) The Agency shall use one or more legal mechanisms to ensure that:

16 (A) a subsidized unit remains affordable to a household earning the
17 applicable percent of area median income for the longer of:

18 (i) seven years; or

19 (ii) full repayment of the loan plus three years; and

1 (B) during the affordability period determined pursuant to
2 subdivision (A) of this subdivision (7), the annual increase in rent for a
3 subsidized unit does not exceed three percent.

4 (c) Program design.

5 (1) When designing and implementing the Program, the Agency shall
6 consult stakeholders and experts in the field.

7 (2) The Program shall include:

8 (A) a streamlined and appropriately scaled application process;

9 (B) an outreach and education plan, including specific tactics to reach
10 and support eligible applicants, especially those from underserved regions or
11 sectors;

12 (C) an equitable system for distributing investment statewide on the
13 basis of need according to a system of priorities that includes consideration of:

14 (i) geographic distribution;

15 (ii) community size;

16 (iii) community economic need; and

17 (iv) whether an application has already received an investment or
18 is from an applicant in a community that has already received Program
19 funding.

20 (3) The Agency shall use its best efforts to ensure:

1 (A) that investments are targeted to the geographic communities or
2 regions with the most pressing economic and employment needs; and

3 (B) that the allocation of investments provides equitable access to the
4 benefits to all eligible geographical areas.

5 (d) Revolving funds. The Agency shall retain payments of principal,
6 interest, and any fees in a revolving loan fund, the amounts of which it shall
7 use to issue future loans through the Program.

8 (e) The Agency shall report to the House Committee on General and
9 Housing and the Senate Committee on Economic Development, Housing and
10 General Affairs on the status of the Program annually, on or before January 15.

11 Sec. 39. RENTAL HOUSING REVOLVING LOAN PROGRAM;

12 IMPLEMENTATION

13 The duty to implement Sec. 38 of this act is contingent upon an
14 appropriation of funds in fiscal year 2024 from the General Fund to the
15 Department of Housing and Community Development for a subgrant to the
16 Vermont Housing Finance Agency for the Rental Housing Revolving Loan
17 Program.

18 * * * Vermont Rental Housing Improvement Program * * *

19 Sec. 40. 10 V.S.A. § 699 is amended to read:

20 § 699. VERMONT RENTAL HOUSING IMPROVEMENT PROGRAM

21 (a) Creation of Program.

1 (1) The Department of Housing and Community Development shall
2 design and implement the Vermont Rental Housing Improvement Program,
3 through which the Department shall award funding to statewide or regional
4 nonprofit housing organizations, or both, to provide competitive grants and
5 forgivable loans to private landlords for the rehabilitation, including
6 weatherization and accessibility improvements, of eligible rental housing units.

7 (2) The Department shall develop statewide standards for the Program,
8 including factors that partner organizations shall use to evaluate applications
9 and award grants and forgivable loans.

10 (3) A landlord shall not offer a unit created through the Program as a
11 short-term rental, as defined in 18 V.S.A. § 4301, for the period a grant or loan
12 agreement is in effect.

13 (b) Eligible rental housing units. The following units are eligible for a
14 grant or forgivable loan through the Program:

15 (1) Non-code compliant.

16 (A) The unit is an existing unit, whether or not occupied, that does
17 not comply with the requirements of applicable building, housing, or health
18 laws.

19 (B) If the unit is occupied, the grant or forgivable loan agreement
20 shall include terms:

1 (i) that prohibit permanent, involuntary displacement of the
2 current residents;

3 (ii) that provide for the temporary relocation of the current
4 residents if necessary to perform the rehabilitation; and

5 (iii) that ensure that the landlord complies with the affordability
6 requirements of the Program following the rehabilitation.

7 (2) New ~~accessory dwelling~~ units. The unit will be:

8 (A) a newly created accessory dwelling unit that meets the
9 requirements of 24 V.S.A. § 4412(1)(E);

10 (B) a newly created unit within an existing structure;

11 (C) a newly created residential structure that is a single unit; or

12 (D) a newly created unit within a newly created structure that
13 contains five or fewer residential units.

14 (c) Administration. The Department shall require a housing organization
15 that receives funding under the Program to adopt:

16 (1) a standard application form that describes the application process
17 and includes instructions and examples to help landlords apply;

18 (2) an award process that ensures equitable selection of landlords,
19 subject to a housing organization's exercise of discretion based on the factors

20 adopted by the Department pursuant to subsection (a) of this section; and

1 (3) a grant and loan management system that ensures accountability for
2 funds awarded.

3 (d) Program requirements applicable to grants and forgivable loans.

4 (1) A grant or loan shall not exceed \$50,000.00 per unit. In determining
5 the amount of a grant or loan, a housing organization shall consider the number
6 of bedrooms in the unit and whether the unit is being rehabilitated or newly
7 created.

8 (2) A landlord shall contribute matching funds or in-kind services that
9 equal or exceed 20 percent of the value of the grant or loan.

10 (3) A project may include a weatherization component.

11 (4) A project shall comply with applicable building, housing, and health
12 laws.

13 (5) The terms and conditions of a grant or loan agreement apply to the
14 original recipient and to a successor in interest for the period the grant or loan
15 agreement is in effect.

16 (6) The identity of a recipient and the amount of a grant or forgivable
17 loan are public records that shall be available for public copying and inspection
18 and the Department shall publish this information at least quarterly on its
19 website.

20 (e) Program requirements applicable to grants. For a grant awarded ~~under~~
21 ~~subdivision (b)(1) of this section for a unit that is non-code compliant through~~

1 the Program, the following requirements apply for a minimum period of five
2 years:

3 (1) A landlord shall coordinate with nonprofit housing partners and local
4 coordinated entry organizations to identify potential tenants.

5 (2)(A) Except as provided in subdivision (2)(B) of this subsection (e), a
6 landlord shall lease the unit to a household that is exiting homelessness or
7 actively working with an immigrant or refugee resettlement program.

8 (B) If, upon petition of the landlord, the Department or the housing
9 organization that issued the grant determines that a household exiting
10 homelessness is not available to lease the unit, then the landlord shall lease the
11 unit:

12 (i) to a household with an income equal to or less than 80 percent
13 of area median income; or

14 (ii) if such a household is unavailable, to another household with
15 the approval of the Department or housing organization.

16 (3)(A) A landlord shall accept any housing vouchers that are available to
17 pay all, or a portion of, the tenant's rent and utilities.

18 (B) If no housing voucher or federal or State subsidy is available, the
19 total cost of rent for the unit, including utilities not covered by rent payments,
20 shall not exceed the applicable fair market rent established by the Department
21 of Housing and Urban Development.

1 (4)(A) A landlord may convert a grant to a forgivable loan upon
2 approval of the Department and the housing organization that approved the
3 grant.

4 (B) A landlord who converts a grant to a forgivable loan shall receive
5 a 10-percent credit for loan forgiveness for each year in which the landlord
6 participates in the grant program.

7 (f) Requirements applicable to forgivable loans. For a forgivable loan
8 awarded ~~under subdivision (b)(1) of this section for a unit that is non-code~~
9 ~~compliant through the Program~~, the following requirements apply for a
10 minimum period of 10 years:

11 (1)(A) A landlord shall accept any housing vouchers that are available to
12 pay all, or a portion of, the tenant's rent and utilities.

13 (B) If no housing voucher or federal or State subsidy is available, the
14 cost of rent for the unit, including utilities not covered by rent payments, shall
15 not exceed the applicable fair market rent established by the Department of
16 Housing and Urban Development.

17 (2) The Department shall forgive 10 percent of the amount of a
18 forgivable loan for each year a landlord participates in the loan program.

19 (g) ~~Requirements for an accessory dwelling unit.~~

20 ~~(1) For a grant or forgivable loan awarded under subdivision (b)(2) of~~
21 ~~this section for a unit that is a new accessory dwelling unit the total cost of rent~~

1 ~~for the unit, including utilities not covered by rent payments, shall not exceed~~
2 ~~the applicable fair market rent established by the Department of Housing and~~
3 ~~Urban Development.~~

4 ~~(2) A landlord shall not offer an accessory dwelling unit created through~~
5 ~~the Program as a short term rental, as defined in 18 V.S.A. § 4301. [Repealed.]~~

6 (h) Lien priority. A lien for a grant converted to a loan or for a forgivable
7 loan issued pursuant to this section is subordinate to:

8 (1) a lien on the property in existence at the time the lien for
9 rehabilitation and weatherization of the rental housing unit is filed in the land
10 records; and

11 (2) a first mortgage on the property that is refinanced and recorded after
12 the lien for rehabilitation and weatherization of the rental housing unit is filed
13 in the land records.

14 Sec. 41. VHIP; IMPLEMENTATION

15 In fiscal year 2024 it is the intent of the General Assembly to appropriate
16 funding, if available, from the General Fund to the Department of Housing and
17 Community Development for the Vermont Rental Housing Improvement
18 Program.

19 Sec. 42. VERMONT HOUSING AND CONSERVATION BOARD;

20 APPROPRIATION OF AVAILABLE FUNDING

- 1 (1) repair funds;
- 2 (2) the Rent Arrears Assistance Fund established;
- 3 (3) Housing Opportunity Grant Program funds;
- 4 (4) the Vermont Housing Improvement Program;
- 5 (5) existing State or federally funded project- or tenant-based subsidies;
- 6 (6) existing Economic Service Division programs;
- 7 (7) legal counsel at Vermont Legal Aid or Legal Services Vermont for
- 8 tenants and through the Vermont Lawyer Referral Service for tenants or
- 9 landlords;
- 10 (8) voluntary mediation;
- 11 (9) housing education and skills-building programs; and
- 12 (10) other available housing resources as needed.
- 13 (d) Referral. The Office shall:
- 14 (1) assist callers in contacting organizations operating programs or
- 15 available resources for which the caller may be eligible; and
- 16 (2) provide support and follow-up services and work with partner
- 17 organizations to ensure effective participation in identified programs and
- 18 services.
- 19 (e) Implementation. The duty to implement this section is contingent upon
- 20 an appropriation in fiscal year 2024 from the General Fund to the Office of
- 21 Economic Opportunity within the Department for Children and Families for a

1 subgrant to Champlain Valley Office of Economic Opportunity to administer
2 the Rental Housing Stabilization Services Program pursuant to this section.

3 Sec. 44. TENANT REPRESENTATION PILOT PROGRAM

4 (a) Creation; purpose. Vermont Legal Aid shall create and administer a
5 two-year Tenant Representation Pilot Program:

6 (1) to provide full representation to eligible and consenting tenants in
7 Lamoille and Windsor counties who have been served with a summons and
8 complaint for eviction; and

9 (2) to determine the impact of representation on the issuance of writs of
10 possession and homelessness prevention.

11 (b) Tenant eligibility. Vermont Legal Aid may enter a notice of appearance
12 on behalf of a residential tenant in Lamoille or Windsor County who is served
13 with a summons and complaint in an ejection action, consents to the
14 representation, and meets the following criteria:

15 (1) household income equals or is less than 120 percent of State area
16 median income;

17 (2) the cost of rent equals or exceeds 30 percent of household income; or

18 (3) household expenses exceed income.

19 (c) Scope of representation.

20 (1) Full representation through the Program is limited to eviction.

1 (2) The pursuit of counterclaims shall be at the discretion of appointed
2 counsel.

3 (d) Conflicts of interest.

4 (1) Vermont Legal Aid may subcontract to Legal Services Vermont if it
5 is unable to provide tenant representation due to a conflict of interest as
6 defined by the Vermont Rules of Professional Conduct.

7 (2) If Legal Services Vermont also has a conflict of interest, Vermont
8 Legal Aid may subcontract to one or more private counsels who are members
9 in good standing of the Vermont Bar.

10 (e) Report. Vermont Legal Aid shall provide interim reports on the
11 progress of the Program on or before November 15, 2023 and November 15,
12 2024 and a final report on or before July 30, 2025, which shall describe:

13 (1) the number of tenants represented;

14 (2) case outcomes, including:

15 (A) the number of cases fully or partially resolved through access to
16 the Rent Arrears Assistance Fund;

17 (B) the number of cases fully or partially resolved through the
18 Vermont Landlord's Association mediation program; and

19 (C) the number of cases fully or partially resolved through access to
20 another resource identified through the Rental Housing Stabilization Services
21 Program; and

1 (3) recommendations for policy changes and for pilot expansion.

2 (f) Implementation. The duty to implement this section is contingent upon
3 an appropriation in fiscal year 2024 from the General Fund to the Agency of
4 Human Services for a subgrant to Vermont Legal Aid to provide representation
5 in eligible eviction cases in the two pilot counties of Lamoille and Windsor
6 beginning on July 1, 2023.

7 Sec. 45. RENT ARREARS ASSISTANCE FUND

8 (a) Creation; purpose. The Vermont State Housing Authority shall create
9 and administer a Rent Arrears Assistance Fund to provide funds to prevent
10 eviction in cases involving nonpayment of rent from residential rental units
11 subject to 9 V.S.A. chapter 137 and mobile home lot rentals subject to
12 10 V.S.A. chapter 153.

13 (b) Tenant eligibility. The Vermont State Housing Authority shall
14 establish eligibility guidelines for the Fund that ensure a streamlined
15 application process, including certification of past due rent and that tenants are
16 at risk of eviction, which shall address the following:

17 (1) Eligibility. Financial eligibility criteria that consider area median
18 income, rent burden, and ratio of household expenses to income up to 100
19 percent of area median income for the current federal fiscal year.

20 (2) Sustainability. Standards for assessing whether the tenancy is
21 sustainable while retaining a simple and straightforward application.

1 (3) Referral. If the tenancy is not sustainable, the parties shall be
2 referred to the Rental Housing Stabilization Services Program for assistance in
3 exploring other resources or services and to apply for a housing choice
4 voucher.

5 (c) Funds available.

6 (1) The Fund shall disburse only the amount necessary to cure the
7 tenant's rent arrears, and, if necessary, court costs, and attorney's fees capped
8 at an amount set by the Authority.

9 (2) The Fund is available on a first-come, first-served basis to eligible
10 tenants until the Fund is exhausted.

11 (d) Application.

12 (1) The Authority shall create a plain language form to collect only
13 information necessary to assess eligibility and provide clear instructions to
14 help tenants and landlords apply.

15 (2) The tenant shall certify all information on the application.

16 (3) The Authority shall provide assistance in completing the application,
17 either directly or through referral to Vermont Legal Aid.

18 (4) The Authority shall adopt guidelines and implement a process that
19 ensures:

20 (A) equitable and prompt approval of applications;

21 (B) notice of grant decisions within 10 days; and

1 (C) decisions on appeals within 10 days.

2 (e) Status of eviction pending application.

3 (1) If an eviction case is filed, the tenant or the landlord shall notify the
4 court when an application for Fund assistance is pending.

5 (2) Upon receiving notice that an application for Fund assistance is
6 pending, the court shall set a status conference within 30 days.

7 (3) While the application is pending, the landlord shall not issue a new
8 notice to quit or file or serve a new summons and complaint.

9 (f) Disbursement. The Authority shall disburse amounts from the Fund
10 directly to the landlord.

11 (g) Conditions for disbursement of funds. The Authority shall establish
12 guidelines for ensuring habitability, limitation on rent increases,
13 documentation for direct deposit, and dismissal of cases, including the
14 following:

15 (1) Habitability. The Authority shall adopt guidelines for identifying
16 violations of the Rental Housing Health Code and certifying that necessary
17 repairs to remediate the violations will be completed within 30 days or
18 pursuant to a plan developed for the remediation and approved by the
19 Authority.

1 (2) Documentation for direct deposit. The landlord shall provide the
2 Authority, on a form provided by the Authority, necessary banking information
3 to enable direct deposit of monies from the Fund.

4 (3) Dismissal. The Authority shall adopt guidelines for disbursement to
5 ensure that complaints based on nonpayment of rent and complaints for no
6 cause are dismissed, whether there is a single or multiple pending complaints.

7 (4) Notification form.

8 (A) The Authority shall adopt and provide to landlords and tenants a
9 standardized notification form that shows amounts paid for each category of
10 disbursement and date of payment.

11 (B) The form shall allow the landlord or tenant to easily notify the
12 court and request a dismissal due to payment.

13 (C) The form shall outline any certifications established in Authority
14 guidance that both parties have made as a part of their application, along with
15 the date of those certifications.

16 (h) Implementation. The duty to implement this section is contingent upon
17 an appropriation in fiscal year 2024 from the General Fund to the Vermont
18 State Housing Authority to create and administer the Rent Arrears Assistance
19 Fund pursuant to this section.

1 * * * Lead Inspectors; Financial Responsibility * * *

2 Sec. 46. 18 V.S.A. § 1764 is amended to read:

3 § 1764. LEAD INSPECTORS; FINANCIAL RESPONSIBILITY

4 (a) The Commissioner shall require that a licensee or an applicant for a
5 license under subsection 1752(e) of this chapter provide evidence of ability to
6 indemnify properly a person who suffers damage from lead-based paint
7 activities or RRPM activities such as proof of effective liability insurance
8 coverage or a surety bond in an amount to be determined by the
9 Commissioner, which shall not be less than \$300,000.00. This section shall
10 not restrict or enlarge the liability of any person under any applicable law.

11 (b) Owners of rental target housing who personally perform all work under
12 this chapter on properties in which they have an interest shall be exempt from
13 subsection (a) of this section.

14 * * * Effective Dates * * *

15 Sec. 47. EFFECTIVE DATES

16 This act shall take effect on July 1, 2023, except that:

17 (1) Secs. 1 (24 V.S.A. § 4414) and 2 (24 V.S.A. § 4412) shall take effect
18 on December 1, 2024, except for subdivision (1)(D) of Sec. 2, which shall take
19 effect on July 1, 2023.

20 (2) Sec. 3 (24 V.S.A. § 4413) shall take effect on September 1, 2023.

21 (3) Sec. 46 (lead inspectors) shall take effect on passage.