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H.652

Introduced by Representative Bongartz of Manchester

Referred to Committee on

Date:

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

Statement of purpose of bill as introduced: This bill proposes to make multiple changes to provisions from 2023 Acts and Resolves No. 47, the HOME Act.

An act relating to updates to the HOME Act

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

Sec. 1. 2023 Acts and Resolves No. 47, Sec. 1 is amended to read:

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

§ 4414. ZONING; PERMISSIBLE TYPES OF REGULATIONS

* * *

(4) Parking and loading facilities. A municipality may adopt provisions setting forth standards for permitted and required facilities for off-street parking and loading, which may vary by district and by uses within each district. In any district that is served by municipal sewer and water infrastructure that allows residential uses, a municipality shall not require more than one parking space per dwelling unit. However, a municipality may require 1.5 parking spaces for duplexes and multiunit dwellings in areas not

1 served by sewer and water, and in areas that are located more than one-quarter
2 mile away from public parking. The number of parking spaces shall be
3 rounded up to the nearest whole number when calculating the total number of
4 spaces. These bylaws may also include provisions covering the location, size,
5 design, access, landscaping, and screening of those facilities. In determining
6 the number of parking spaces for nonresidential uses and size of parking
7 spaces required under these regulations, the appropriate municipal panel may
8 take into account the existence or availability of employer “transit pass” and
9 rideshare programs, public transit routes, and public parking spaces in the
10 vicinity of the development.

11 * * *

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

13 § 4412. REQUIRED PROVISIONS AND PROHIBITED EFFECTS

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

16 (1) Equal treatment of housing and required provisions for affordable
17 housing.

18 * * *

19 (D) Bylaws shall designate appropriate districts and reasonable
20 regulations for multiunit or multifamily dwellings. No bylaw shall have the
21 effect of excluding these multiunit or multifamily dwellings from the

1 municipality. For the purposes of this chapter, short-term rentals as defined in
2 18 V.S.A. § 4301(a)(14) are not considered dwellings or residential
3 development. In any district that allows year-round residential development,
4 duplexes shall be ~~an allowed~~ a permitted use with ~~the same~~ dimensional
5 standards as that are no more restrictive than is required for a single-unit
6 dwelling, including no additional land or lot area than would be required for a
7 single-unit dwelling. In any district that is served by municipal sewer and
8 water infrastructure that allows residential development, multiunit dwellings
9 with four or fewer units shall be a permitted use requiring no additional land or
10 lot area than would be required for a single-unit dwelling, unless that district
11 specifically requires multiunit structures to have more than four dwelling units.

12 * * *

13 (12) In any area served by municipal sewer and water infrastructure that
14 allows residential development, bylaws shall establish lot and building
15 dimensional standards that allow five or more dwelling units per acre for each
16 allowed residential use; and ~~density~~ a minimum lot size of one fifth of an acre.
17 Density and minimum lot size standards for duplexes and multiunit dwellings
18 shall not be more restrictive than those required for single-family dwellings.

19 * * *

1 Sec. 3. 24 V.S.A. § 4303 is amended to read:

2 § 4303. DEFINITIONS

3 The following definitions shall apply throughout this chapter ~~unless the~~
4 ~~context otherwise requires:~~

5 * * *

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

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

11 (I) State regulations or permits;

12 (II) identified capacity constraints; ~~or~~

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

14 (IV) physical or other constraints that prevent a feasible
15 connection; or

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

19 (I) flood hazard or inundation areas as established by statute,
20 river corridors or fluvial erosion areas as established by statute, shorelands,
21 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. 4. 24 V.S.A. § 4465 is amended to read:

2 § 4465. APPEALS OF DECISIONS OF THE ADMINISTRATIVE OFFICER

3 * * *

4 (d) An appropriate municipal panel hearing and deciding appeals taken
5 under this section shall issue a determination within 60 days after receiving the
6 appeal.

7 Sec. 5. 24 V.S.A. § 4382 is amended to read:

8 § 4382. THE PLAN FOR A MUNICIPALITY

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

13 * * *

14 (10) A housing element that shall include a recommended program for
15 public and private actions to address housing needs as identified by the
16 regional planning commission pursuant to subdivision 4348a(a)(9) of this title.
17 The program ~~should~~ shall use data on year-round and seasonal dwellings and
18 include specific actions to address the housing needs of persons with low
19 income and persons with moderate income and account for permitted
20 residential development as described in section 4412 of this title.

21 * * *

1 Sec. 6. 24 V.S.A. § 4442 is amended to read:

2 § 4442. ADOPTION OF BYLAWS AND RELATED REGULATORY
3 TOOLS; AMENDMENT OR REPEAL

4 * * *

5 (c) Routine adoption. A bylaw, bylaw amendment, or bylaw repeal shall
6 be adopted by a majority of the members of the legislative body at a meeting
7 that is held after the final public hearing and shall be effective 21 days after
8 adoption ~~unless, by action of the legislative body, the bylaw, bylaw~~
9 ~~amendment, or bylaw repeal is warned for adoption by the municipality by~~
10 ~~Australian ballot at a special or regular meeting of the municipality.~~

11 * * *

12 Sec. 7. 2023 Acts and Resolves No. 47, Sec. 16a is amended to read:

13 Sec. 16a. ACT 250 EXEMPTION REQUIREMENTS

14 In order to qualify for the exemptions established in 10 V.S.A. § 6001
15 (3)(A)(xi) and (3)(D)(viii)(III), a person shall request a jurisdictional opinion
16 under 10 V.S.A. § 6007 on or before June 30, ~~2026~~ 2028. The jurisdictional
17 opinion shall require the project to substantially complete construction on or
18 before June 30, ~~2029~~ 2031 in order to remain exempt.

19 Sec. 8. 10 V.S.A. § 699 is amended to read:

20 § 699. VERMONT RENTAL HOUSING IMPROVEMENT PROGRAM

21 (a) Creation of Program.

1 (e) Program requirements applicable to grants and five-year forgivable
2 loans. For a grant or five-year forgivable loan awarded through the Program,
3 the following requirements apply for a minimum period of five years:

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

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

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

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

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

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

19 (B) If no housing voucher or federal or State subsidy is available, the
20 total cost of rent for the unit, including utilities not covered by rent payments,

1 shall not exceed the applicable fair market rent established by the Department
2 of Housing and Urban Development.

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

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

9 (f) Requirements applicable to 10-year forgivable loans. For a 10-year
10 forgivable loan awarded through the Program, the following requirements
11 apply for a minimum period of 10 years:

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

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

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

20 * * *

1 Sec. 9. EFFECTIVE DATE

2 This act shall take effect on July 1, 2024.