

1 TO THE HOUSE OF REPRESENTATIVES:

2 The Committee on Environment and Energy to which was referred Senate  
3 Bill No. 100 entitled “An act relating to housing opportunities made for  
4 everyone” respectfully reports that it has considered the same and recommends  
5 that the House propose to the Senate that the report of the committee on  
6 General and Housing be amended as follows:

7 First: By striking out Secs. 1–25 and their reader assistance headers in their  
8 entireties and inserting in lieu thereof the following:

9 \* \* \* Municipal Zoning \* \* \*

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

11 § 4414. ZONING; PERMISSIBLE TYPES OF REGULATIONS

12 \* \* \*

13 (4) Parking and loading facilities. A municipality may adopt provisions  
14 setting forth standards for permitted and required facilities for off-street  
15 parking and loading, which may vary by district and by uses within each  
16 district. In any district that is served by municipal sewer and water  
17 infrastructure that allows residential uses, a municipality shall not require more  
18 than one parking space per dwelling unit. However, a municipality may  
19 require 1.5 parking spaces for duplexes and multi-unit dwellings in areas not  
20 served by sewer and water and in areas that are located more than one-quarter  
21 mile away from public parking rounded up to the nearest whole number when

1 calculating the total number of spaces. These bylaws may also include  
2 provisions covering the location, size, design, access, landscaping, and  
3 screening of those facilities. In determining the number of parking spaces for  
4 nonresidential uses and size of parking spaces required under these regulations,  
5 the appropriate municipal panel may take into account the existence or  
6 availability of employer “transit pass” and rideshare programs, public transit  
7 routes, and public parking spaces in the vicinity of the development. ~~However,~~  
8 ~~a municipality shall not require an accessory dwelling unit to have more than~~  
9 ~~one parking space per bedroom.~~

10 \* \* \*

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

12 § 4412. REQUIRED PROVISIONS AND PROHIBITED EFFECTS

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

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

17 \* \* \*

18 (D) Bylaws shall designate appropriate districts and reasonable  
19 regulations for multiunit or multifamily dwellings. No bylaw shall have the  
20 effect of excluding these multiunit or multifamily dwellings from the  
21 municipality. In any district that allows year-round residential development,

1 duplexes shall be an allowed use with the same dimensional standards as a  
2 single-unit dwelling. In any district that is served by municipal sewer and  
3 water infrastructure that allows residential development, multiunit dwellings  
4 with four or fewer units shall be a permitted use, unless that district  
5 specifically requires multiunit structures to have more than four dwelling units.

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

20 ~~(i) The property has sufficient wastewater capacity.~~



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

2 § 4413. LIMITATIONS ON MUNICIPAL BYLAWS

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

8 (A) State- or community-owned and ~~operated~~ operated institutions  
9 and facilities;

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

12 (C) churches and other places of worship, convents, and parish  
13 houses;

14 (D) public and private hospitals;

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

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

19 (G) emergency shelters.

20 (2) Except for State-owned and -operated institutions and facilities, a  
21 municipality may regulate each of the land uses listed in subdivision (1) of this

1 subsection for compliance with the National Flood Insurance Program and for  
2 compliance with a municipal ordinance or bylaw regulating development in a  
3 flood hazard area or river corridor, consistent with the requirements of  
4 subdivision 2291(25) and section 4424 of this title. These regulations shall not  
5 have the effect of interfering with the intended functional use.

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

9 \* \* \*

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

11 § 4303. DEFINITIONS

12 The following definitions shall apply throughout this chapter unless the  
13 context otherwise requires:

14 \* \* \*

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

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

20 (B) the unit does not exceed 30 percent of the total habitable floor  
21 area of the single-family dwelling or 900 square feet, whichever is greater.

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

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

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

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

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

14                           (I) State regulations or permits;

15                           (II) identified capacity constraints; or

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

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

20                           (I) flood hazard or inundation areas as established by statute,  
21                   river corridors or fluvial erosion areas as established by statute, shorelands,

1 areas within a zoning district or overlay district the purpose of which is natural  
2 resource protection, and wherever year-round residential development is not  
3 allowed;

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

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

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

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

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

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

19 (B) Municipally adopted areas served by municipal sewer and water  
20 infrastructure that limit sewer and water connections and expansions shall not



1 result in the unequal treatment of housing by discriminating against a year-  
2 round residential use or housing type otherwise allowed in this chapter.

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

4 § 4441. PREPARATION OF BYLAWS AND REGULATORY TOOLS;

5 AMENDMENT OR REPEAL

6 \* \* \*

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

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

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



1 secretary of the board of adjustment or development review board of that  
2 municipality or with the clerk of that municipality if no such secretary has been  
3 elected. This notice of appeal must be filed within 15 days of following the  
4 date of that decision or act, and a copy of the notice of appeal shall be filed  
5 with the administrative officer.

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

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

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

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



1 district coordinator, District Commission, the Secretary, or in the case of an act  
2 or decision related to 24 V.S.A. chapter 117, an appropriate municipal panel,  
3 administrative officer, or municipal official, or the Environmental Division that  
4 can be redressed by the Environmental Division or the Supreme Court.

5 \* \* \* Subdivisions \* \* \*

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

7 § 4463. SUBDIVISION REVIEW

8 (a) Approval of plats. Before ~~any~~ a plat for a major subdivision is  
9 approved, a public hearing on the plat shall be held by the appropriate  
10 municipal panel after public notice. A bylaw may provide for the  
11 administrative officer to approve minor subdivisions. A copy of the notice  
12 shall be sent to the clerk of an adjacent municipality, in the case of a plat  
13 located within 500 feet of a municipal boundary, at least 15 days prior to the  
14 public hearing.

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



1 public health, safety, and general welfare, or are inappropriate because of  
2 inadequacy or lack of connecting facilities adjacent or in proximity to the  
3 subdivision;

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

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

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

11 (E) provisions to allow the administrative officer to approve minor  
12 subdivisions.

13 \* \* \* Appeals \* \* \*

14 Sec. 9. 24 V.S.A. § 4471 is amended to read:

15 § 4471. APPEAL TO ENVIRONMENTAL DIVISION

16 \* \* \*

17 (e) ~~Neighborhood development area~~ Designated areas. Notwithstanding  
18 subsection (a) of this section, a determination by an appropriate municipal  
19 panel that a residential development will not result in an undue adverse effect  
20 on the character of the area affected shall not be subject to appeal if the  
21 ~~determination is that a proposed residential development~~ seeking conditional

1 use approval under subdivision 4414(3) of this title is within a designated  
2 downtown development district, designated growth center, ~~designated Vermont~~  
3 neighborhood, or designated neighborhood development area seeking  
4 conditional use approval will not result in an undue adverse effect on the  
5 character of the area affected under subdivision 4414(3) of this title. Other  
6 elements of the determination made by the appropriate municipal panel may be  
7 appealed.

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

9 Sec. 10. 24 V.S.A. § 4464(b) is amended to read:

10 (b) Decisions.

11 \* \* \*

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

15 (i) require a larger lot size than the minimum as determined in the  
16 municipal bylaws;

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

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



1                    (iv) limit the density of dwelling units to below that allowed in the  
2                    municipal bylaws; and

3                    (v) otherwise disallow a development to abide by the minimum or  
4                    maximum applicable municipal standards.

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

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

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

15                   Sec. 11. 24 V.S.A. § 4348a is amended to read:

16                   § 4348a. ELEMENTS OF A REGIONAL PLAN

17                   (a) A regional plan shall be consistent with the goals established in section  
18                   4302 of this title and shall include the following:

19                   \* \* \*

20                   (9) A housing element that identifies the regional and community-level  
21                   need for housing for all economic groups in the region and communities. In

1 ~~establishing the identified need, due consideration shall be given to~~ that will  
2 result in an adequate supply of building code and energy code compliant  
3 homes where most households spend not more than 30 percent of their income  
4 on housing and not more than 15 percent on transportation. To establish  
5 housing needs, the Department of Housing and Community Development shall  
6 publish statewide and regional housing targets or ranges as part of the  
7 Statewide Housing Needs Assessment. The regional planning commission  
8 shall consult the Statewide Housing Needs Assessment; current and expected  
9 demographic data; the current location, quality, types, and cost of housing;  
10 other local studies related to housing needs; and data gathered pursuant to  
11 subsection 4382(c) of this title. If no such data has been gathered, the regional  
12 planning commission shall gather it. The regional planning commission's  
13 assessment shall estimate the total needed housing investments in terms of  
14 price, quality, unit size or type, and zoning district as applicable and shall  
15 disaggregate regional housing targets or ranges by municipality. The housing  
16 element shall include a set of recommended actions to satisfy the established  
17 needs.

18 \* \* \*

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

2 § 4382. THE PLAN FOR A MUNICIPALITY

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

7 \* \* \*

8 (10) A housing element that shall include a recommended program for  
9 ~~addressing low and moderate income persons'~~ public and private actions to  
10 address housing needs as identified by the regional planning commission  
11 pursuant to subdivision 4348a(a)(9) of this title. The program should use data  
12 on year-round and seasonal dwellings and include specific actions to address  
13 the housing needs of persons with low income and persons with moderate  
14 income and account for permitted accessory dwelling units, as defined in  
15 subdivision 4412(1)(E) of this title, which provide affordable housing  
16 residential development as described in section 4412 of this title.

17 \* \* \*

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

19 § 4442. ADOPTION OF BYLAWS AND RELATED REGULATORY

20 TOOLS; AMENDMENT OR REPEAL

21 \* \* \*

1 (c) Routine adoption.

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

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

14 \* \* \*

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

16 § 4306. MUNICIPAL AND REGIONAL PLANNING FUND

17 \* \* \*

18 (b)(1) Allocations for performance contract funding to regional planning  
19 commissions shall be determined according to a formula to be adopted by rule  
20 under 3 V.S.A. chapter 25 by the Department for the assistance of the regional  
21 planning commissions. Disbursement of funding to regional planning

1 commissions shall be predicated upon meeting performance goals and targets  
2 pursuant to the terms of the performance contract.

3 (2) Disbursement to municipalities shall be awarded annually on or  
4 before December 31 through a competitive program administered by the  
5 Department providing the opportunity for any eligible municipality or  
6 municipalities to compete regardless of size, provided that to receive funds, a  
7 municipality:

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

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

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

14 (3) Of the annual disbursement to municipalities, an amount not to  
15 exceed 20 percent of the total may be disbursed to the Department to  
16 administer a program providing direct technical consulting assistance under  
17 retainer on a rolling basis to any eligible municipality to meet the requirements  
18 for designated neighborhood development area under chapter 76A of this title,  
19 provided that the municipality is eligible for funding under subdivision (2) and  
20 meets funding guidelines established by the Department to ensure accessibility  
21 for lower capacity communities, municipal readiness, and statewide coverage.



1 regional future land use maps and policies and recommending changes to  
2 which of those governmental levels those decisions should occur, if necessary.

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

6 (A) drinking water;

7 (B) wastewater;

8 (C) stormwater;

9 (D) transportation;

10 (E) community and economic development;

11 (F) housing;

12 (G) energy; and

13 (H) telecommunications.

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

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

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

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

4                   (A) future land use map area delineations, definitions, statements,  
5                   and policies;

6                   (B) existing settlement definitions and their relationship to future  
7                   land use maps;

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

10                   (D) a review mechanism to ensure bylaws are consistent with  
11                   municipal plans.

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

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

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

17                   (3) what guidance and training will be needed to implement the  
18                   recommendations; and

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



1       (d) The Vermont Association of Planning and Development Agencies shall  
2       consult with the Agency of Transportation, the Agency of Natural Resources,  
3       the Agency of Commerce and Community Development, the Department of  
4       Public Service, Vermont Emergency Management, the Natural Resources  
5       Board, the regional development corporations, the Vermont League of Cities  
6       and Towns, statewide environmental organizations, and other interested parties  
7       in developing the report and shall summarize comments.

8       (e) On or before December 15, 2023, the Vermont Association of Planning  
9       and Development Agencies shall submit the report to the following  
10       committees: the Senate Committees on Economic Development, Housing and  
11       General Affairs, on Government Operations, on Natural Resources and  
12       Energy, and on Transportation and the House Committees on Commerce and  
13       Economic Development, on Environment and Energy, on General and  
14       Housing, on Government Operations and Military Affairs, and on  
15       Transportation.

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

19       Sec. 15a. HOUSING RESOURCE NAVIGATOR FOR REGIONAL

20                   PLANNING COMMISSIONS



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(xi) Notwithstanding any other provision of law to the contrary, until July 1, 2026, the construction of housing projects such as cooperatives, condominiums, dwellings, or mobile homes, with 25 or more units, constructed or maintained on a tract or tracts of land, located entirely within a designated downtown development district, a designated neighborhood development area, a designated village center with permanent zoning and subdivision bylaws, or a designated growth center, owned or controlled by a person, within a radius of five miles of any point on any involved land and within any continuous period of five years. For purposes of this subsection, the construction of four units or fewer of housing in an existing structure shall only count as one unit towards the total number of units

\* \* \*

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

\* \* \*

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

(II) If the construction of a priority housing project in this subdivision (3)(D)(viii) involves demolition of one or more buildings that are listed or eligible to be listed on the State or National Register of Historic Places, this exemption shall not apply unless the Division for Historic

1 Preservation has made the determination described in subdivision (A)(iv)(I)(ff)  
2 of this subdivision (3) and any imposed conditions are enforceable in the  
3 manner set forth in that subdivision.

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

8 \* \* \*

9 Sec. 16a. ACT 250 EXEMPTION REQUIREMENTS

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

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

16 § 6086b. DOWNTOWN DEVELOPMENT; FINDINGS; MASTER PLAN  
17 PERMITS

18 (a) Findings and conclusions. Notwithstanding any provision of this  
19 chapter to the contrary, each of the following shall apply to a development or  
20 subdivision that is completely within a downtown development district

1 designated under 24 V.S.A. chapter 76A and for which a permit or permit  
2 amendment would otherwise be required under this chapter:

3 (1) In lieu of obtaining a permit or permit amendment, a person may  
4 request findings and conclusions from the District Commission, which shall  
5 approve the request if it finds that the development or subdivision will meet  
6 subdivisions 6086(a)(1) (air and water pollution), (2) (sufficient water  
7 available), (3) (burden on existing water supply), (4) (soil erosion), (5)  
8 (traffic), (8) (aesthetics, historic sites, rare and irreplaceable natural areas),  
9 (8)(A) (endangered species; necessary wildlife habitat), (9)(B) (primary  
10 agricultural soils), (9)(C) (productive forest soils), (9)(F) (energy  
11 conservation), and (9)(K) (public facilities, services, and lands) of this title.

12 \* \* \*

13 (b) Master plan permits.

14 (1) Any municipality within which a downtown development district or  
15 neighborhood development area has been formally designated pursuant to  
16 24 V.S.A. chapter 76A may apply to the District Commission for a master plan  
17 permit for that area or any portion of that area pursuant to the rules of the  
18 Board. Municipalities making an application under this subdivision are not  
19 required to exercise ownership of or control over the affected property.

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

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

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

9           (5) For a master plan permit issued pursuant to this section, an  
10           application for an amendment may use the findings issued in the master plan  
11           permit as a rebuttable presumption to comply within any applicable criteria  
12           under subsection 6086(a) of this title.

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

14       § 6083a. ACT 250 FEES

15           (a) All applicants for a land use permit under section 6086 of this title shall  
16           be directly responsible for the costs involved in the publication of notice in a  
17           newspaper of general circulation in the area of the proposed development or  
18           subdivision and the costs incurred in recording any permit or permit  
19           amendment in the land records. In addition, applicants shall be subject to each  
20           of the following fees for the purpose of compensating the State of Vermont for

1 the direct and indirect costs incurred with respect to the administration of the  
2 Act 250 program:

3 (1) For applications for projects involving construction, \$6.65 for each  
4 \$1,000.00 of the first \$15,000,000.00 of construction costs, and \$3.12 for each  
5 \$1,000.00 of construction costs above \$15,000,000.00. An additional \$0.75  
6 for each \$1,000.00 of the first \$15,000,000.00 of construction costs shall be  
7 paid to the Agency of ~~National~~ Natural Resources to account for the Agency of  
8 Natural Resources' review of Act 250 applications.

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

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

15 (4) For applications for projects involving the extraction of earth  
16 resources, including sand, gravel, peat, topsoil, crushed stone, or quarried  
17 material, the greater of: a fee as determined under subdivision (1) of this  
18 subsection; or a fee equivalent to the rate of \$0.02 per cubic yard of the first  
19 million cubic yards of the total volume of earth resources to be extracted over  
20 the life of the permit, and \$.01 per cubic yard of any such earth resource  
21 extraction above one million cubic yards. Extracted material that is not sold or

1 does not otherwise enter the commercial marketplace shall not be subject to the  
2 fee. The fee assessed under this subdivision for an amendment to a permit  
3 shall be based solely upon any additional volume of earth resources to be  
4 extracted under the amendment.

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

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

10 (b) Notwithstanding the provisions of subsection (a) of this section, there  
11 shall be a minimum fee of \$187.50 for original applications and \$62.50 for  
12 amendment applications, in addition to publication and recording costs. These  
13 costs shall be in addition to any other fee established by statute, unless  
14 otherwise expressly stated. In addition, in no event shall the fee for an  
15 individual permit or permit amendment application, including each individual  
16 permit or permit amendment application seeking approval for any portion of a  
17 project involving a master plan, exceed \$165,000.00.

18 \* \* \*

19 **Sec. 18a. REPORT; ACT 250 MUNICIPAL DELEGATION**

20 (a) The Vermont Association of Planning and Development Agencies, in  
21 consultation with the Natural Resources Board, shall develop a proposed



1 framework for delegating administration of Act 250 permits to municipalities.

2 They shall consult with other relevant stakeholders, including those with

3 experience issuing Act 250 permits under 10 V.S.A. chapter 151.

4 (b) On or before December 31, 2023, the Vermont Association of Planning

5 and Development Agencies shall report to the House Committee on

6 Environment and Energy and the Senate Committee on Natural Resources and

7 Energy on legislative changes necessary to delegate Act 250 permit

8 administration to municipalities.

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

10 Sec. 41. REPORT; NATURAL RESOURCES BOARD

11 (a) On or before December 31, 2023, the Chair of the Natural Resources

12 Board shall report to the House Committees on ~~Natural Resources, Fish, and~~

13 ~~Wildlife~~ Environment and Energy and on Ways and Means and the Senate

14 Committees on Finance and on Natural Resources and Energy on necessary

15 updates to the Act 250 program.

16 (b) The report shall include:

17 (1) How to transition to a system in which Act 250 jurisdiction is based

18 on location, which shall encourage development in designated areas; the

19 maintenance of intact rural working lands; and the protection of natural

20 resources of statewide significance, including biodiversity. Location-based

21 jurisdiction would adjust the threshold for Act 250 jurisdiction based on the

1 characteristics of the location. This section of the report shall consider whether  
2 to develop thresholds and tiers of jurisdiction as recommended in the  
3 Commission on Act 250: the Next 50 Years Report.

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

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

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

12 (5) Whether the permit fees are effective in providing appropriate  
13 incentives.

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

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

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

21 Sec. 40. DESIGNATED AREA REPORT; APPROPRIATION

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

\* \* \* Covenants \* \* \*

Sec. 20. 27 V.S.A. § 545 is amended to read:

§ 545. COVENANTS, CONDITIONS, AND RESTRICTIONS OF  
SUBSTANTIAL PUBLIC INTEREST

(a) Deed restrictions, covenants, or similar binding agreements added after March 1, 2021 that prohibit or have the effect of prohibiting land development allowed under 24 V.S.A. § 4412(1)(E) and (2)(A) shall not be valid.

(b) Deed restrictions or covenants added after July 1, 2023 shall not be valid if they require a minimum dwelling unit size on the property or more than one parking space per dwelling unit if the property is located in an area served by municipal sewer and water infrastructure as defined in 24 V.S.A. § 4303 that allows residential uses or more than 1.5 parking spaces for duplexes and multi-unit dwellings in areas not served by sewer and water and in areas that are located more than one-quarter mile away from public parking rounded up to the nearest whole number when calculating the total number of spaces.



1           (1) Vermont established the Residential Building Energy Standards  
2           (RBES) in 1997 and the Commercial Building Energy Standards (CBES) in  
3           2007. The Public Service Department is responsible for adopting and updating  
4           these codes regularly but does not have the capacity to administer or enforce  
5           them.

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

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

13          (4) Studies in recent years show compliance with the RBES at about 54  
14          percent and CBES at about 87 percent, with both rates declining. Both codes  
15          are scheduled to become more stringent with the goal of “net-zero ready” by  
16          2030.

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

1       Sec. 23. ENERGY CODE COMPLIANCE; STUDY COMMITTEE

2           (a) Creation. There is created the Building Energy Code Study Committee  
3       to recommend strategies for increasing compliance with the Residential  
4       Building Energy Standards (RBES) and Commercial Building Energy  
5       Standards (CBES).

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

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

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

14           (3) a representative of Efficiency Vermont;

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

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

17       Association;

18           (6) a representative the Burlington Electric Department;

19           (7) a representative of Vermont Gas Systems;

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

21       Vermont;

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

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

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

4           (1) consider and recommend strategies to increase awareness of and  
5           compliance with the RBES and CBES, including the potential designation of  
6           the Division of Fire Safety (DFS) in the Department of Public Safety as the  
7           statewide authority having jurisdiction for administration, interpretation, and  
8           enforcement, in conjunction with DFS' existing jurisdiction, over building  
9           codes;

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

14           (3) assess how the building energy codes interact with the fire and  
15           building safety codes.

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

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

4       (f) Meetings.

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

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

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

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

12       (g) Compensation and reimbursement.

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

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



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

3           Sec. 24. RURAL RECOVERY COORDINATION COUNCIL

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

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

8           (1) prioritize areas of investment into Vermont’s rural communities in  
9           order to ensure necessary resources to meet Vermont’s climate goals, rural  
10           community development objectives, and environmental sustainability  
11           requirements;

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

13           (3) ensure intergovernmental and regional communications and  
14           coordination; and

15           (4) improve access to technical assistance and support from regional and  
16           statewide agencies and programs.

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

20           (1) a permanent structure for ensuring rural community development  
21           programming within State government;

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

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

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

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

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

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

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

14           (2) the Secretary of Commerce and Community Development or  
15 designee;

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

17           (4) the Secretary of Transportation or designee;

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

19           (6) one or more representatives from the regional planning commissions  
20 appointed by the Vermont Association of Planning and Development  
21 Agencies;

1           (7) one or more representatives from the regional development  
2           corporations appointed by the Regional Development Corporations of  
3           Vermont;

4           (8) the Executive Director of the Vermont League of Cities and Towns  
5           or designee;

6           (9) a member, appointed by the Vermont Communications Union  
7           Districts Association;

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

9           (11) a member, appointed by the University of Vermont Office of  
10          Engagement;

11          (12) a member, appointed by the Vermont Housing and Conservation  
12          Board;

13          (13) a member of the House of Representatives, appointed by the  
14          Speaker of the House; and

15          (14) a member of the Senate, appointed by the Committee on  
16          Committees.

17          (f) Compensation and reimbursement.

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

1           (2) Other members of the Council shall be entitled to per diem  
2           compensation and reimbursement of expenses as permitted under 32 V.S.A.  
3           § 1010.

4           (g) Meetings; administration.

5           (1) The Council shall meet at least five times and take testimony from a  
6           variety of stakeholders, including from representatives from municipalities of  
7           variety of sizes and from those with experience in state land use planning,  
8           regional planning, municipal planning, economic planning, or strategic  
9           planning.

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

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

14           (h) Appropriation. In fiscal year 2024, the amount of \$40,000.00 is  
15           appropriated from the General Fund to the Agency of Commerce and  
16           Community Development to provide funding for the Council as follows:

17           (1) \$30,000.00 to the Vermont Council on Rural Development to  
18           convene meetings of the Council and provide administrative and policy  
19           support; and

20           (2) \$10,000.00 to provide per diem compensation and reimbursement of  
21           expenses for members of the Council.



1 to make municipal and State permits available to the public in an electronic  
2 format or on a statewide platform; and

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

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

14 Second: By striking out Sec. 44 in its entirety and inserting in lieu thereof  
15 the following:

16 Sec. 44. EFFECTIVE DATES

17 This act shall take effect on July 1, 2023, except that Secs. 1 (24 V.S.A. §  
18 4414), 2 (24 V.S.A. § 4412) except for subdivision (1)(D), and 3 (24 V.S.A. §  
19 4413), shall take effect on December 1, 2024. Sec. 2, 24 V.S.A. § 4412,  
20 subdivision (1)(D) shall take effect on July 1, 2023.

21

1 (Committee vote: \_\_\_\_\_)

2

\_\_\_\_\_

3

Representative \_\_\_\_\_

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FOR THE COMMITTEE