

**S.100 – An act relating to housing opportunities made for everyone**

**House Environment and Energy dr 4.3**

Office of Legislative Counsel

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Section	Summary
Municipal zoning	
Sec. 1 24 V.S.A. § 4414	<p>In residential districts served by sewer and water, municipality can't require more than 1 parking space per dwelling unit. But may require 1.5 spaces in areas without sewer and water for multiunit dwellings if existing other parking isn't sufficient.</p>
Sec. 2 24 V.S.A. § 4412	<ul style="list-style-type: none"> <li>• Municipalities must allow duplexes where single family units are allowed. Municipalities must permit multiunit dwellings with up to 4 units in areas of the town served by sewer and water, unless the town requires more units</li> <li>• Changes to accessory dwelling unit (ADU) requirements-; requires towns to subject ADUs to same standards of review as single-family homes; prohibits towns from making the criteria for detached ADUs stricter than for single family homes</li> <li>• Municipalities cannot not prohibit hotels renting to those using housing assistance funds</li> <li>• In residential districts served by sewer and water, bylaws shall establish building and lot standards to allow 5 or more units per acre; no dimensional standard for multiunit dwellings can be more restrictive than those for single-family dwellings</li> <li>• In residential districts served by sewer and water, affordable housing may add additional units up to 40% of the density and may add an additional floor.</li> <li>• Municipalities may define what areas are “served by municipal sewer and water infrastructure”</li> </ul>
Sec. 3 24 V.S.A. § 4413	<p>Limits what aspects a of an emergency shelter (homeless shelter) can be regulated in town zoning, including that bylaws cannot limit their daily and seasonal hours of operation.</p>
Sec. 4 24 V.S.A. § 4303	<p>Adds definitions for “accessory dwelling unit,” “duplex,” “emergency shelter,” “multiunit or multifamily dwelling,” and “served by municipal sewer and water infrastructure”</p>

<p>Sec. 5 24 V.S.A. § 4441</p>	<p>Requires that specific information be submitted to the Department of Housing and Community Development when municipalities adopt new zoning bylaws or update bylaws, including uploading bylaws and zoning districts to the State database.</p>
<p>Sec. 6-6a 24 V.S.A. § 4465 10 V.S.A. § 8502</p>	<p>Changes the ability of any 10 voters or property owners in a town to appeal a zoning decision; requires that a person allege an injury protected under 24 V.S.A. chapter 117. For affordable housing development, the injury shall not include character of the area.</p>
<p>Secs. 7-8 24 V.S.A. § 4463 24 V.S.A. § 4418</p>	<p>Allows towns to give their administrative officer authority to approve minor subdivisions and decide if a hearing is required for minor subdivisions.</p>
<p>Sec. 9 24 V.S.A. § 4471</p>	<p>Clarifies existing law that the character of the area cannot be appealed in decisions on certain types of housing. Other elements of the decision may be appealed.</p>
<p>Sec. 10 24 V.S.A. § 4464(b)</p>	<p>Establishes “by right zoning” which requires an appropriate municipal panel to provide reasons for adjusting dimensional requirements in permit decisions on housing.</p>
<p>Sec. 11 24 V.S.A. § 4348a</p>	<p>Adds detail to the required housing element in a regional plan. The regional plan shall include an estimate of the total housing investments needed and specific actions to address housing.</p>
<p>Sec. 12 24 V.S.A. § 4382</p>	<p>Requires the town plan be consistent with the goals of Chapter 117. Also requires the housing element of the municipal plan to include specific actions needed to address housing.</p>
<p>Sec. 13 24 V.S.A. § 4442</p>	<p>Strikes the ability of rural towns to adopt changes to bylaws by Australian ballot. The town may still choose to use Australian ballot.</p>
<p>Sec. 14 24 V.S.A. § 4306</p>	<p>Allows the Department of Housing and Community Development to use up to 20% of municipal planning funds to provide assistance to towns to meet the requirements of the neighborhood development area designation.</p>

Sec. 15	Regional Planning Report- requires the Vermont Association of Planning and Development Agencies to study various issues related to improving and coordinating effectiveness between municipal, regional, and State planning.
Sec. 15a	Housing Resource Navigators- \$300,000.00 is appropriated to the Vermont Association of Planning and Development Agencies for the purpose of hiring the Housing Navigators
Act 250	
Secs. 16-16a 10 V.S.A. § 6001	<ul style="list-style-type: none"> <li>• Raises the Act 250 jurisdictional threshold for housing units from 10 units to 25 for downtowns, neighborhood development areas, new town centers, village centers with zoning and subdivision bylaws, and growth centers. This is a temporary provision that sunsets on July 1, 2026.</li> <li>• In a municipality with permanent zoning and subdivision bylaws, 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.</li> <li>• Removes the cap on the number of priority housing projects that are exempt from Act 250 for downtowns, neighborhood development areas, growth centers. This is a temporary provision that sunsets on July 1, 2026.</li> <li>• In order for someone to be exempt under the new temporary Act 250 exemptions, they need to request a jurisdictional opinion, stating they would be exempt by June 30, 2026. Construction of exempt housing projects would need to be substantially completed by June 30, 2029.</li> </ul>
Sec. 17 10 V.S.A. § 6086b	Allows municipalities to apply for master plan permits under Act 250 for their designated downtown or neighborhood development area. With a master plan, future development in the downtown would only need an Act 250 permit amendment, not an individual permit.
Sec. 18 10 V.S.A. § 6083a	Clarifies that the Act 250 fees apply per application and the cap on fees applies per application, not per project.
Sec. 19	Adds a new element to the report the Natural Resources Board is working on based on Act 182 of 2022. It requires a review of the housing jurisdictional trigger and whether it should be changed. Also, asks the report to address the what elements are needed to create a municipal delegation process.

Sec. 19a	Designated Area Report- extends the deadline for the Designated Area Report required in Act 182 of 2022 to December 31, 2023.
Covenants	
Sec. 20 27 V.S.A. § 545	Prohibits deed restrictions and covenants that require minimum dwelling unit size and more than one parking space in areas with sewer and water.
Road Disclosure	
Sec. 21 27 V.S.A. § 617	Requires sellers to disclose if a property is located on a class 4 highway or legal trail.
Building Energy Code Study Committee	
Secs. 22-23	Adds H.332 which would create a summer study committee to study how to increase compliance with the RBES and the CBES. Report due Dec. 1, 2023.
Rural Recovery Coordination Council	
Sec. 24	The Rural Recovery Coordination Council is created to study and make recommendations on how to strengthen coordination between agencies and stakeholders involved in rural community development. Report due Dec. 15, 2023.
Wastewater Connection Permits	
Sec. 25	Directs ANR to identify any State permitting requirements or ANR processes that may be duplicated under State and local permits and propose how to eliminate such redundancies. Report due Jan. 31, 2025.
ADU Jurisdiction	

Sec. 44	Effective Dates