

1 TO THE HOUSE OF REPRESENTATIVES:

2 The Committee on General and Housing to which was referred House Bill  
3 No. 639 entitled “An act relating to disclosure of flood history of real property  
4 subject to sale” respectfully reports that it has considered the same and  
5 recommends that the bill be amended by striking out all after the enacting  
6 clause and inserting in lieu thereof the following:

7 \* \* \* Flood Risk Disclosure \* \* \*

8 Sec. 1. 27 V.S.A. § 380 is added to read:

9 § 380. DISCLOSURE OF INFORMATION; CONVEYANCE OF REAL

10 ESTATE

11 (a) Prior to or as part of a contract for the conveyance of real property, the  
12 seller shall provide the buyer with the following information:

13 (1) whether the real property is located in a Federal Emergency  
14 Management Agency mapped special flood hazard area;

15 (2) whether the real property is located in a Federal Emergency  
16 Management Agency mapped moderate flood hazard area;

17 (3) whether the real property was subject to flooding or flood damage  
18 while the seller possessed the property, including flood damage from  
19 inundation or from flood-related erosion or landslide damage;

20 (4) whether the seller maintains flood insurance on the real property;  
21 and

1           (5) whether there is a Federal Emergency Management Area Elevation  
2           Certificate available for the real property.

3           (b) The failure of the seller to provide the buyer with the information  
4           required under subsection (a) of this section is grounds for the buyer to  
5           terminate the contract prior to transfer of title or occupancy, whichever occurs  
6           earlier.

7           (c) A buyer of real estate who fails to receive the information required to be  
8           disclosed by a seller under subsection (a) of this section may bring an action to  
9           recover from the seller the amount of the buyer’s damages and reasonable  
10           attorney’s fees. The buyer may also seek punitive damages when the seller  
11           knowingly failed to provide the required information.

12           (d) A seller shall not be liable for damages under this section for any error,  
13           inaccuracy, or omission of any information required to be disclosed to the  
14           buyer under subsection (a) of this section when the error, inaccuracy, or  
15           omission was based on information provided by a public body or by another  
16           person with a professional license or special knowledge who provided a  
17           written report that the seller reasonably believed to be correct and that was  
18           provided by the seller to the buyer.

19           (e) Noncompliance with the requirements of this section shall not affect the  
20           marketability of title of a real property.

21           Sec. 2. 9 V.S.A. § 4466 is added to read:

1     § 4466. REQUIRED DISCLOSURE

2             A landlord shall disclose in advance of entering a rental agreement with a  
3     tenant whether any portion of the premises offered for rent is located in a  
4     Federal Emergency Management Agency mapped special flood hazard area.  
5     This notice shall be provided in a separate written document given to the tenant  
6     at or before execution of the lease.

7     Sec. 3. 10 V.S.A. § 6236(e) is amended to read:

8             (e) All mobile home lot leases shall contain the following:

9   \* \* \*

10            (8) Notice that the mobile home park is in a flood hazard area if any lot  
11     within the mobile home park is wholly or partially located in a flood hazard  
12     area according to the flood insurance rate map effective for the mobile home  
13     park at the time the proposed lease is furnished to a prospective leaseholder.  
14     This notice shall be provided in a clear and conspicuous manner in a separate  
15     written document attached as an addendum to the proposed lease.

16     Sec. 4. 10 V.S.A. § 6201 is amended to read:

17     § 6201. DEFINITIONS

18             As used in this chapter, ~~unless the context requires otherwise:~~

19             (1) “Mobile home” means:

1 (A) a structure or type of manufactured home, including the  
2 plumbing, heating, air-conditioning, and electrical systems contained in the  
3 structure, that is:

4 (i) built on a permanent chassis;

5 (ii) designed to be used as a dwelling with or without a permanent  
6 foundation when connected to the required utilities;

7 (iii) transportable in one or more sections; and

8 (iv)(I) at least eight feet wide, 40 feet long, or when erected has at  
9 least 320 square feet; or

10 (II) if the structure was constructed prior to June 15, 1976, at  
11 least eight feet wide or 32 feet long; or

12 (B) any structure that meets all the requirements of this  
13 subdivision (1) except the size requirements, and for which the manufacturer  
14 voluntarily files a certification required by the U.S. Department of Housing  
15 and Urban Development and complies with the construction and safety  
16 standards established under Title 42 of the U.S. Code.

17 (C) [Repealed.]

18 (2) “Mobile home park” means any parcel of land under single or  
19 common ownership or control that contains, or is designed, laid out, or adapted  
20 to accommodate, more than two mobile homes. “Mobile home park” does not  
21 mean premises used solely for storage or display of mobile homes. Mobile

1 home park does not mean any parcel of land under the ownership of an  
2 agricultural employer who may provide up to four mobile homes used by full-  
3 time workers or employees of the agricultural employer as a benefit or  
4 condition of employment or any parcel of land used solely on a seasonal basis  
5 for vacation or recreational mobile homes.

6 \* \* \*

7 (13) “Flood hazard area” has the same meaning as in section 752 of this  
8 title.

9 (14) “Flood insurance rate map” means, for any mobile home park, the  
10 official flood insurance rate map describing that park published by the Federal  
11 Emergency Management Agency on its website.

12 **Sec. 5. 9 V.S.A. § 2602 is amended to read:**

13 § 2602. SALE OR TRANSFER; PRICE DISCLOSURE; MOBILE HOME  
14 UNIFORM BILL OF SALE

15 (a) Appraisal; disclosure. When a mobile home is sold or offered for sale:

16 (1) If a mobile home is appraised, the appraisal shall include a cover  
17 sheet that itemizes the value of the unsited mobile home, the value of any  
18 adjacent or attached structures located on the site and the value of the sited  
19 location, if applicable, and valuations of sales of comparable properties.

20 (2) In the case of a new mobile home, the seller shall provide to a  
21 prospective buyer a written disclosure that states the retail price of the unsited

1 mobile home, any applicable taxes, the set-up and transportation costs, and the  
2 value of the sited location, if applicable.

3 (3) A seller shall provide to a prospective buyer a written disclosure of  
4 any flooding history or flood damage to the mobile home known to the seller,  
5 including flood damage from inundation or from flood-related erosion or  
6 landslide damage.

7 (4) A legible copy of the disclosure required in subdivision (2) of this  
8 subsection shall be prominently displayed on a new mobile home in a location  
9 that is clearly visible to a prospective buyer from the exterior.

10 \* \* \*

11 \* \* \* Accessibility Standards \* \* \*

12 **Sec. 6. 20 V.S.A. chapter 174 is amended to read:**

13 CHAPTER 174. ACCESSIBILITY STANDARDS FOR PUBLIC

14 BUILDINGS ~~AND~~ PARKING, AND STATE-FUNDED RESIDENTIAL

15 BUILDINGS

16 Subchapter 1. Public Buildings and Parking

17 § 2900. DEFINITIONS

18 \* \* \*

19 Subchapter 2. State-Funded Residential Construction

20 § 2910. DEFINITIONS

21 As used in this subchapter:

1           (1) “Adaptable” means a residential unit that complies with the  
2           requirements for a Type A Unit or a Type B Unit set forth in section 1103 or  
3           1104, respectively, of the 2017 ICC Standard for Accessible and Useable  
4           Buildings and Facilities or a similar standard adopted by the Access Board by  
5           rule pursuant to section 2901 of this chapter.

6           (2) “ICC” means the International Code Council.

7           (3) “State-funded residential building” means a building that is designed  
8           or intended for occupancy as a residence by one or more individuals the  
9           construction of which is funded in whole or in part by State funds.

10           (4) “Visitable” means a residential unit that complies with the  
11           requirements for a Type C Unit set forth in section 1105 of the 2017 ICC  
12           Standard for Accessible and Useable Buildings and Facilities or a similar  
13           standard adopted by the Access Board by rule pursuant to section 2901 of this  
14           chapter.

15           § 2911. STATE-FUNDED RESIDENTIAL CONSTRUCTION;

16                   ACCESSIBILITY REQUIREMENTS

17           (a) Any State-funded residential building that is constructed in Vermont on  
18           or after July 1, 2025 shall comply with the following requirements:

19                   (1) All residential units that are located partially or wholly on the  
20           ground floor or are accessible by an elevator or lift shall be adaptable units.

1           (2) Any residential unit that is not located on the ground floor and is not  
2           accessible by an elevator or a lift shall be a visitable unit.

3           (b) A State-funded residential building constructed in accordance with the  
4           requirements of this section shall not be modified in any way that would  
5           reduce its compliance with the requirements of subsection (a) of this section, as  
6           applicable, during any subsequent repairs, renovations, alterations, or  
7           additions.

8           (c) The Access Board shall adopt rules as necessary to implement the  
9           provisions of this section.

10          Sec. 7. 24 V.S.A. § 4010 is amended to read:

11          § 4010. DUTIES

12          (a) In the operation ~~of~~ or management of housing projects, an authority  
13          shall at all times observe the following duties with respect to rentals and tenant  
14          selection:

15    \* \* \*

16          (6) When renting or leasing accessible dwelling accommodations, it  
17          shall give priority to tenants with a disability. As used in this subdivision,  
18          “accessible” means a dwelling that complies with the requirements for an  
19          accessible unit set forth in section 1102 of the 2017 ICC Standard for  
20          Accessible and Useable Buildings and Facilities or a similar standard adopted  
21          by the Access Board by rule pursuant to 20 V.S.A. § 2901.



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\* \* \* Housing Accountability \* \* \*

Sec. 8. VERMONT STATEWIDE AND REGIONAL HOUSING TARGETS  
PROGRESS; REPORT

(a) Upon publication of the Statewide Housing Needs Assessment setting out the statewide and regional housing targets required pursuant to 24 V.S.A. § 4348a, the Department of Housing and Community Development, in coordination with regional planning commissions, shall develop metrics for measuring progress toward the statewide and regional housing targets, including:

(1) for any housing target, a timeline separating the target into discrete steps with specific deadlines; and

(2) for any regional housing target:

(A) a rate measuring progress toward the total needed housing investment published in the regional plan for a region subject to the regional housing target by separate measure for each of price, quality, unit size or type, and zoning district, as applicable; and

(B) steps taken to achieve any actions recommended to satisfy the regional housing needs published in the regional plan for a region subject to the regional housing target.

1       (b) The Department shall employ the metrics developed under subsection  
2       (a) of this section to set annual goals for achieving the statewide and regional  
3       housing targets required pursuant to 24 V.S.A. § 4348a.

4       (c) Within one year following publication of the Statewide Housing Needs  
5       Assessment setting out the statewide and regional housing targets required  
6       pursuant to 24 V.S.A. § 4348a and annually thereafter through 2030, the  
7       Department shall publish a report on progress toward the statewide and  
8       regional housing targets, including:

9           (1)(A) annual and cumulative progress toward the statewide and  
10       regional housing targets based on the metrics developed pursuant to subsection  
11       (a) of this section; and

12           (B) for any statewide or regional housing target the Department  
13       determines may not practicably be measured by any of the metrics developed  
14       pursuant to subsection (a) of this section, an explanation that the statewide or  
15       regional housing target may not practicably be measured by the Department's  
16       metrics and a description of the status of progress toward the statewide or  
17       regional housing target;

18           (2) progress toward the annual goals for the year of publication set  
19       pursuant to subsection (b) of this section;

20           (3) an overall assessment whether, in the Department's discretion,  
21       annual progress toward the statewide and regional housing targets is

1 satisfactory based on the measures under subdivisions (1) and (2) of this  
2 subsection and giving due consideration to the complete timeline for achieving  
3 the statewide and regional housing targets; and

4 (4) if the Department determines pursuant to subdivision (3) of this  
5 subsection that annual progress toward the statewide and regional housing  
6 targets is not satisfactory, recommendations for accelerating progress. The  
7 Department shall specifically consider whether the creation of a process that  
8 permits developers to propose noncompliant housing developments under  
9 certain conditions, like a builder’s remedy, or a cause of action would be likely  
10 to accelerate progress.

11 (d) The Department shall have broad discretion to determine any timeline  
12 or annual goal under subsection (a) or (b) of this section, provided the  
13 Department determines that any step in a timeline or annual goal, when  
14 considered together with the other steps or annual goals, will reasonably lead  
15 to achievement of the statewide or regional housing targets published in the  
16 Statewide Housing Needs Assessment.

17 (e) If the statewide and regional housing targets are not published in the  
18 Statewide Housing Needs Assessment published in 2024, the Department shall  
19 develop and publish the required housing targets within six months following  
20 publication of the Statewide Housing Needs Assessment. Any reference to the  
21 statewide and regional housing targets published in the Statewide Housing

1 Needs Assessment in this section shall be deemed to refer to the housing  
2 targets published under this subsection, and any reference to the date of  
3 publication of the Statewide Housing Needs Assessment in this section shall be  
4 deemed to refer to the date of publication of the housing targets published  
5 under this subsection.

6 \* \* \* Effective Date \* \* \*

7 Sec. 9. EFFECTIVE DATE

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

9 and that after passage the title of the bill be amended to read: “An act relating  
10 to flood risk disclosure, accessibility standards for State-funded residential  
11 construction, and housing accountability”

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18 (Committee vote: \_\_\_\_\_)

19 \_\_\_\_\_  
20 Representative \_\_\_\_\_  
21 FOR THE COMMITTEE