

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; and

20 (4) whether the seller maintains flood insurance on the real property.

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

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

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

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

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

20 § 4466. REQUIRED DISCLOSURE; MODEL FORM

1 (a) A landlord shall disclose in advance of entering a rental agreement with
2 a tenant whether any portion of the premises offered for rent is located in a
3 Federal Emergency Management Agency mapped special flood hazard area.
4 This notice shall be provided to the tenant at or before execution of the lease in
5 a separate written document substantially in the form prescribed by the
6 Department of Housing and Community Development pursuant to subsection
7 (b) of this section.

8 (b) The Department of Housing and Community Development shall
9 develop a model form for the notice provided under this section that shall
10 include the information required under subsection (a) of this section.

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

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

13 * * *

14 (8)(A) Notice that the mobile home park is in a flood hazard area if any lot
15 within the mobile home park is wholly or partially located in a flood hazard
16 area according to the flood insurance rate map effective for the mobile home
17 park at the time the proposed lease is furnished to a prospective leaseholder.
18 This notice shall be provided in a clear and conspicuous manner in a separate
19 written document substantially in the form prescribed by the Department of
20 Housing and Community Development pursuant to subdivision (B) of this
21 subdivision (8) and attached as an addendum to the proposed lease.

1 (B) The Department of Housing and Community Development shall
2 develop a model form for the notice provided under this section that shall
3 include the information required under subdivision (A) of this subdivision (8).

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

5 § 6201. DEFINITIONS

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

7 (1) “Mobile home” means:

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

11 (i) built on a permanent chassis;

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

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

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

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

19 (B) any structure that meets all the requirements of this
20 subdivision (1) except the size requirements, and for which the manufacturer
21 voluntarily files a certification required by the U.S. Department of Housing

1 and Urban Development and complies with the construction and safety
2 standards established under Title 42 of the U.S. Code.

3 (C) [Repealed.]

4 (2) “Mobile home park” means any parcel of land under single or
5 common ownership or control that contains, or is designed, laid out, or adapted
6 to accommodate, more than two mobile homes. “Mobile home park” does not
7 mean premises used solely for storage or display of mobile homes. Mobile
8 home park does not mean any parcel of land under the ownership of an
9 agricultural employer who may provide up to four mobile homes used by full-
10 time workers or employees of the agricultural employer as a benefit or
11 condition of employment or any parcel of land used solely on a seasonal basis
12 for vacation or recreational mobile homes.

13 * * *

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

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

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

20 § 2602. SALE OR TRANSFER; PRICE DISCLOSURE; MOBILE HOME

21 UNIFORM BILL OF SALE

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

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

6 (2) In the case of a new mobile home, the seller shall provide to a
7 prospective buyer a written disclosure that states the retail price of the unsited
8 mobile home, any applicable taxes, the set-up and transportation costs, and the
9 value of the sited location, if applicable.

10 (3) In the case of a mobile home as defined in 10 V.S.A. § 6201, the
11 seller shall provide to a prospective buyer a written disclosure of any flooding
12 history or flood damage to the mobile home known to the seller, including
13 flood damage from inundation or from flood-related erosion or landslide
14 damage.

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

18 * * *

1 * * * Accessibility Standards * * *

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

3 CHAPTER 174. ACCESSIBILITY STANDARDS FOR PUBLIC

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

5 BUILDINGS

6 Subchapter 1. Public Buildings and Parking

7 § 2900. DEFINITIONS

8 * * *

9 Subchapter 2. State-Funded Residential Construction

10 § 2910. DEFINITIONS

11 As used in this subchapter:

12 (1) “Adaptable” means a residential unit that complies with the
13 requirements for a Type A Unit or a Type B Unit set forth in section 1103 or
14 1104, respectively, of the 2017 ICC Standard for Accessible and Useable
15 Buildings and Facilities or a similar standard adopted by the Access Board by
16 rule pursuant to section 2901 of this chapter.

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

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

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

6 § 2911. STATE-FUNDED RESIDENTIAL CONSTRUCTION;

7 ACCESSIBILITY REQUIREMENTS

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

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

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

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

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

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

1 § 4010. DUTIES

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

5 * * *

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

12 * * *

13 * * * Housing Accountability * * *

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

16 (a) Upon publication of the Statewide Housing Needs Assessment setting
17 out the statewide and regional housing targets required pursuant to 24 V.S.A.
18 § 4348a, the Department of Housing and Community Development, in
19 coordination with regional planning commissions, shall develop metrics for
20 measuring progress toward the statewide and regional housing targets,
21 including:

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

3 (2) for any regional housing target:

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

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

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

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

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

1 (B) for any statewide or regional housing target the Department
2 determines may not practicably be measured by any of the metrics developed
3 pursuant to subsection (a) of this section, an explanation that the statewide or
4 regional housing target may not practicably be measured by the Department’s
5 metrics and a description of the status of progress toward the statewide or
6 regional housing target;

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

9 (3) an overall assessment whether, in the Department’s discretion,
10 annual progress toward the statewide and regional housing targets is
11 satisfactory based on the measures under subdivisions (1) and (2) of this
12 subsection and giving due consideration to the complete timeline for achieving
13 the statewide and regional housing targets; and

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

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

7 (e) If the statewide and regional housing targets are not published in the
8 Statewide Housing Needs Assessment published in 2024, the Department shall
9 develop and publish the required housing targets within six months following
10 publication of the Statewide Housing Needs Assessment. Any reference to the
11 statewide and regional housing targets published in the Statewide Housing
12 Needs Assessment in this section shall be deemed to refer to the housing
13 targets published under this subsection, and any reference to the date of
14 publication of the Statewide Housing Needs Assessment in this section shall be
15 deemed to refer to the date of publication of the housing targets published
16 under this subsection.

17 * * * Effective Date * * *

18 Sec. 9. EFFECTIVE DATE

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

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

4

5

6

7

8

9

10 (Committee vote: _____)

11

12

Representative _____

13

FOR THE COMMITTEE