

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

As Passed by Senate

Office of Legislative Counsel

7 April 2023

Section	Summary
Municipal zoning	
Sec. 1 24 V.S.A. § 4414	Municipality can't require more than 1 parking space per dwelling unit or ADU. But may require 1.5 if existing other parking isn't sufficient.
Sec. 2 24 V.S.A. § 4412	<ul style="list-style-type: none"> • Municipalities must allow duplexes where single family units are allowed. Municipalities must allow multiunit dwellings with up to 4 units in areas of the town served by sewer and water- as defined in this section. • 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 • Municipalities cannot not prohibit hotels renting to those with housing assistance funds • 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 • In residential districts served by sewer and water, affordable housing may add an additional floor and use it to add additional units up to 40% of the density requirement • Bylaws cannot limit the square footage of duplexes that otherwise complies with the building code • Municipalities are allowed to define what areas are “served by municipal sewer and water infrastructure”
Sec. 3 24 V.S.A. § 4413	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.

Sec. 4 24 V.S.A. § 4303	Adds definitions for “accessory dwelling unit,” “duplex,” “emergency shelter,” and “multiunit or multifamily dwelling”
Sec. 5 24 V.S.A. § 4441	Requires that specific information be submitted to the Department of Housing and Community Development when municipalities adopt new zoning bylaws or update bylaws
Sec. 6 24 V.S.A. § 4465	Changes the ability of any 10 voters or property owners in a town to appeal a zoning decision; requires that the 10 people share a common injury protected under 24 V.S.A. chapter 117. The injury shall not include character of the area.
Secs. 7-8 24 V.S.A. § 4463 24 V.S.A. § 4418	Allows towns to give their administrative officer authority to approve subdivisions and decide if a hearing is required for subdivisions.
Sec. 9 24 V.S.A. § 4471	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.
Sec. 10 24 V.S.A. § 4464(b)	Establishes “by right zoning” which requires an appropriate municipal panel to provide reasons for adjusting dimensional requirements in permit decisions on housing.
Sec. 11 24 V.S.A. § 4348a	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.
Sec. 12 24 V.S.A. § 4382	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 to address housing.
Sec. 13 24 V.S.A. § 3101(a)	Municipal energy codes adopted after July 1, 2023 cannot be more restrictive than the RBES, stretch code, or CBES, except those with charter amendments on it.
Sec. 14	[Deleted.]

Sec. 15	[Deleted.]
Act 250	
<p>Secs. 16, 16a, 16b, 10 V.S.A. § 6001 10 V.S.A. § 6086b</p>	<ul style="list-style-type: none"> • Raises the Act 250 jurisdictional threshold for housing units from 10 units to 25 for downtowns, neighborhood development areas, growth centers. This is a temporary provision that sunsets on July 1, 2026. • 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. • 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. • In order for someone to be exempt under the new temporary Act 250 exemptions, they need to apply for a jurisdictional opinion, stating they would be exempt by July 1, 2026. Construction of exempt housing projects would need to be substantially completed by June 30, 2029.
Enhanced Village Center Designation	
<p>Secs. 17, 17a, 17b 24 V.S.A. § 2793a 10 V.S.A. § 6081 24 V.S.A. § 2793e</p>	<ul style="list-style-type: none"> • A town can receive enhanced designation for a village center if they have permanent zoning and subdivision bylaws, municipal sewer, alternative or community sewer, or water infrastructure, and adequate staff. Priority housing projects located in Enhanced village centers require 50 or more units to trigger Act 250. This is a temporary provision that sunsets on July 1, 2026. • Amends the statute that sets the requirements for a neighborhood development area. It adds municipal sewer, alternative or community sewer, or water infrastructure as a requirement for the designation.
<p>Sec. 17c 2022 Acts and Resolves No. 182, Sec. 41</p>	<ul style="list-style-type: none"> • Adds a new topic to the NRB Study which is due to the General Assembly on Dec. 31, 2023. • In addition to the other topics in the report, it asks whether increasing jurisdictional thresholds for housing development to 25 units under 10 V.S.A. § 6001(3)(A)(iv) would affect housing affordability, especially for primary homeownership, and what the potential impact of increasing those thresholds to 25 units would have on natural and community resources addressed under existing Act 250 criteria.

Enhanced Designation	
Secs. 18-21 10 V.S.A. § 6081 24 V.S.A. § 2793f 10 V.S.A. § 6001	<ul style="list-style-type: none"> • No Act 250 permit is needed for development or subdivisions in an enhanced designation area • A town may apply to the Natural Resources Board to have a designated area become an enhanced designation area by meeting the requirements in the section, which include adopting bylaws to address all of the Act 250 criteria and having sufficient staff to administer land use permits • The NRB shall draft model bylaws that towns may adopt which address all of the Act 250 criteria
Covenants	
Sec. 22 27 V.S.A. § 545	Prohibits deed restrictions and covenants that require minimum dwelling unit size and more than one parking space.
Road Disclosure	
Sec. 23 27 V.S.A. § 617	Requires sellers to disclose if a property is located on a class 4 highway or legal trail.
Energy Code Study Committee	
Secs. 24-25	Adds H.332 which would create a summer study committee to study how to increase compliance with the RBES and the CBES.
ADU Jurisdiction	
Sec. 26. 20 V.S.A. § 2730	Includes ADUs that are rented overnight or long term in the definition of public building for purposes of the fire and building safety codes.
Fair Housing	
Sec. 27	[Deleted.]
Sec. 28. 9 V.S.A. § 4507	Increases criminal fine for a violation of Fair Housing and Public Accommodations Act from \$1,000 to \$10,000

Building Safety Study	
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Sec. 29	Directs Division of Fire Safety to study potential revisions to the fire and life safety codes that could facilitate creation of new housing units.
Housing Programs	
Secs. 30-39	[Deleted.]
Secs. 40-41	Sec. 40 amends the Vermont Rental Housing Improvement Program to expand the types of new units that may be created using Program grants or forgivable loans. Sec. 41 [Deleted.]
Sec. 42	[Deleted.]
Sec. 43	Charges the Auditor of Accounts to deliver a plan, cost estimate, and timetable for conducting a performance audit of the residential housing development and approval process
Sec. 44	Effective Dates