

**H.687- As voted by SNRE**  
Section by Section Summary  
Ellen Czajkowski, Office of Legislative Counsel  
17 April 2024

Sec.	Citation	Summary
<b>Act 250</b>		
1	10 V.S.A. § 6000	Statutory purpose section adding references to the Capability and Development Plan, the municipal and regional planning goals, and the 30 x 30 and 50 x 50 goals.
2	10 V.S.A. § 6021	Amends the statute which establishes the Natural Resources Board (NRB). This section changes its name to the Land Use Review Board (LURB). The Board shall have 5 members appointed by the Governor after applicants are reviewed by the Land Use Review Board Nominating Committee. The Chair and four members shall be full-time positions. It adds language for types of skills sought and encourages diversity in the members of the Board. Terms are for staggered 5-year terms. There are no alternates. Terms start on July 1 and end on June 30. Vacancies are to be filled for remainder of term. Members may seek reappointment. Members are only removable by the other Board members for cause after notice and a hearing, using procedures adopted by the Board. Retiring members may remain part of a case until it is concluded.
3	10 V.S.A. § 6032	Adds a new section which establishes the Land Use Review Board Nominating Committee. The Nominating Committee shall advertise vacancies on the Board, review applicants for Board positions, and recommend qualified candidates to the Governor for appointment. The Committee shall be made up of 2 members of the Executive Branch appointed by the Governor, with one from the Dept of HR; 2 members of the House appointed by the Speaker; and 2 members of the Senate appointed by the Committee on Committees. Members shall be appointed by July 31, 2024. Terms for Committee members shall last for 2 years.
4	10 V.S.A. § 6025	It directs the Board to adopt rules of procedure for hearing appeals, approving regional plans, and regional maps.
5	10 V.S.A. § 6027	Amends the powers of the Board. It adds language reaffirming the supervisory authority of the Board and District Commissions. It requires the Board to publish its decisions online. It gives the Board the power to hear appeals, review regional plans and maps, and review applications for Tier 1A areas. This is in addition to the Board's existing duties in statute, which include: <ul style="list-style-type: none"> <li>• administer oaths, take depositions, subpoena and compel the attendance of witnesses, and require the production of evidence</li> <li>• enter upon lands of parties before it and for investigations</li> <li>• apply and receive grants</li> <li>• manage workload of District Commissions.</li> <li>• allow for joint hearings</li> </ul>

		<ul style="list-style-type: none"> <li>• publish index of decisions, including its own</li> <li>• manage process for issuing land use permits</li> <li>• initiate enforcement</li> <li>• initiate and hear petitions for revocation of permits (this is a change; the Environmental Court hears these petitions currently)</li> <li>• hear appeals for fee refund requests</li> </ul>
6	10 V.S.A. § 6022	<p>It gives the Board authority to hire additional permanent personnel. It also requires the Board to have an Executive Director. (The NRB currently has an ED, but it is not a permanent position.) The duties of the Executive Director shall be:</p> <p>(1) supervising and administering the operation and implementation of Act 250 and the Board's rules;</p> <p>(2) assisting the Board in its duties and administering Act 250; and</p> <p>(3) employing staff.</p>
7	10 V.S.A. § 6084	<p>It shifts the burden of providing notice of applications to the District Commissions and requires notice be posted on the Board's website. Requires that applicants post a sign on the property stating that the property has applied for an Act 250 permit.</p>
8	10 V.S.A. § 6086(f)	<p>Strikes reference to appeals going to E-Court and clarifies that requests to stay a permit that has been appealed should be made to the Board (not the Court).</p>
9	10 V.S.A. § 6086(h)	<p>Allows District Commission to require self-certification for compliance with permit conditions</p>
10	10 V.S.A. § 6089	<p>Provides the procedure for appeals. Appeals of jurisdictional opinions and permit decisions go to Board. To appeal, must have party status which requires participation at hearings before District Commission. Board shall hold a de novo hearing on the appeal. The hearing shall be in the town or as close as possible to the site at issue in the appeal. Appeal must be filed within 30 days of a decision by District Commission. It adds limits to the types of prehearing discovery that may be used. Pre-filed expert witness testimony must follow VT Rules of Civil Procedure. For non-expert witnesses, interrogatories are limited to ID of witness and summary of testimony. Parties may request to enter land at issue. Parties may not use depositions, unless allowed by the Board.</p> <p>Appeals of Board decisions go to the Supreme Court. Appeal to Supreme Court is limited to objections raised.</p>
11	10 V.S.A. § 6007	<p>It gives the Board authority to hear appeals of JOs issued by district Coordinators. Appeals must be filed within 30 days.</p>
12	10 V.S.A. § 6083a	<p>Establishes \$295 as the filing fee for filing an appeal, unless waived for indigency, application for Tier 1A areas, and regional plan and map approval.</p>
13	10 V.S.A. chapter 220	<p>It removes the Environmental Division's authority to hear Act 250 permit and JO appeals. It strikes the references to Act 250 from the chapter.</p>
14	4 V.S.A. § 34	<p>Amends the jurisdiction of the Environmental Division to remove its jurisdiction over revoking Act 250 permits because the Board now has the authority.</p>

<b>Transition; revision authority</b>		
15		Appropriates \$112,500 to the NRB for two new staff attorneys.
16		Transfers the personnel of the NRB to the LURB.
17		Gives the Environmental Division the authority to finish work on pending appeals until October 1, 2026.
18		Gives revision authority to Legislative Counsel to change the references to the NRB to the LURB.
<b>Forest Blocks</b>		
19	10 V.S.A. § 6001	Adds definitions related to forest blocks and habitat connectors to be used in criterion 8(C)
20	10 V.S.A. § 6086(a)(8)	Adds new criteria to Act 250- 8(C) which requires applicants to not have an undue adverse impact on forest blocks and habitat connectors. If a project as proposed would result in an undue adverse impact, a permit may only be granted if effects are avoided, minimized, or mitigated as allowed in accordance with rules adopted by the Board.
21		Rulemaking for new Criterion 8C- forest blocks and habitat connectors
22	10 V.S.A. § 127	Requires ANR to map forest blocks and habitat connectors and to establish procedures for updating maps.
<b>Wood Products Manufacturers</b>		
23	10 V.S.A. § 6093	Under Act 250, lowers the amount of required mitigation for primary agricultural soils for wood products manufacturers to 1:1 protected to affected acres.
<b>Road Rule</b>		
24	10 V.S.A. § 6001	New jurisdictional triggers for construction of one 800ft private road and any combination of private roads or driveways of more than 2000ft constructed after July 1, 2026
25		Allows the NRB to adopt rules to clarify the new road construction jurisdictional trigger
<b>Location-Based Jurisdiction</b>		
26	10 V.S.A. § 6001	Creates new jurisdictional triggers for construction within a Tier 3 area. Also, adds definitions for Tier 2 and Tier 3.
27		Directs the ERB to adopt rules further defining Tier 3, how it will be administered, and how it will be mapped. Directs the Board to convene a stakeholder group on the issues. The Board shall submit rules to LCAR by Feb. 1, 2026
<b>Tier 1 Areas</b>		
28	10 V.S.A. § 6001(3)(A)(xi)	Repeals the Act 47 sunset for the Act 250 exemption for up to 24 units of housing located in a downtown, NDA, village center w/permanent zoning and subdivision bylaws, or growth center.
29	10 V.S.A. § 6001(3)(D)(viii)(III)	Extends the Act 47 sunset from July 1, 2026 to July 1, 2027 for the Act 250 exemption that removes the cap for the number of priority

		housing project units that can be exempt if located in a downtown, NDA, or growth center. It also extends the areas to include ½ mile around the designated center.
30	Act 47, Sec. 16a	Extends the Act 47 sunset from July 1, 2026 to July 1, 2027 for the Act 250 that requires someone to get a JO if they want to use the Act 47 exemptions.
31		Repeals the Act 47 sunset for the Act 250 exemption for electric utilities.
32	10 V.S.A. § 6081(y)	Amends the Act 47 sunset for the Act 250 exemption for electric utilities rebuilding distribution lines. Extends it from July 1, 2026 to December 31, 2030.
33	10 V.S.A. § 6033	Establishes process for LURB to review regional plan future land use maps and Tier 1B.
34	10 V.S.A. § 6034	Establishes process and requirements for municipalities to apply for Tier 1A area status. Municipalities may begin applying on January 1, 2026 or after their regional plan has been approved.
35		LURB shall issue guidelines for municipalities applying for Tier 1A area status by 1/1/2026.
36	24 V.S.A. § 4382	Towns shall identify Tier 1A and 1B areas on their town map
37	10 V.S.A. § 6081	<ul style="list-style-type: none"> <li>• Establishes exemptions for any development in Tier 1A areas and in Tier 1B areas up to 49 units of housing, including those part of a mixed-use development</li> <li>• Also creates exemptions for hotel or motels converted to permanently affordable housing, accessory dwelling units, and converting a structure used for a commercial purpose to 29 or fewer housing units</li> <li>• Also creates interim exemptions for housing as follows:</li> <li>• 75 or fewer units in downtowns, new town center, growth center, neighborhood development area until July 1, 2027</li> <li>• 50 units in village centers with zoning and in urbanized areas near transit routes</li> </ul>
38	24 V.S.A. § 4460	Directs municipalities with Tier 1A area status to add existing Act 250 permit conditions to municipal land use permits and enforce those permit conditions
39		Tier 2 Area Report- The LURB shall report back by Feb. 15, 2026 on recommendations for adjustments to the jurisdictional triggers used within Tier 2, including how to address parcel size, criterion 9(L), and accessory on-farm businesses
40		Wood Products Manufacturers Report- The NRB shall report back by Dec. 15, 2024 on recommendations for the permitting process for wood products manufacturers
41		Location-Based Jurisdiction Review- The LURB shall report back on Feb. 1, 2029 on any necessary changes to the Tier system established under this act.

42		Affordable Housing Development Regulatory Incentives Study- The Dept of Housing and Community Development shall report back by Dec. 15, 2024 on recommendations for incentives for affordable housing development within designated areas.
43		Appropriates \$125,000 to Dept Fish and Wildlife to hire a biologist to assist in the implementation of this act.
<b>Future Land Use Maps</b>		
44	24 V.S.A. § 4302	Updates regional and municipal planning goals to reference the land use categories, designated areas, housing targets, and environmental justice.
45	24 V.S.A. § 4345a	Duties of regional planning commissions- Directs RPCs to incorporate meaningful participation into their processes and consider potential environmental benefits and burdens, submit comments on the State Transportation Program, and gives substantial deference to substantial regional impact in municipal regulatory proceedings.
46	24 V.S.A. § 4347	Adds climate resilience, mitigation, and adaption to the purposes of the regional plan.
47	24 V.S.A. § 4348	Updates the process for adopting the regional plan, including the notice, public engagement, and notice and engagement with municipalities. Plans are required to be approved by the LURB. Updated regional plans shall be adopted by 12/31/26.
48	24 V.S.A. § 4348a	Updates the elements required to be included in the regional plan and future land use maps, including the new land use categories to be used in the Act 250 Tier process.
49		Regional Planning Commission Study- VAPDA shall hire a consultant to contractor to study the strategic opportunities for regional planning commissions to better serve municipalities and the State. Report back by Dec. 31, 2024.
<b>Municipal Zoning</b>		
50	24 V.S.A. § 4382	Changes “should” to “shall” for use of data in the housing element of town plan
51	24 V.S.A. § 4412	Changes the municipal zoning requirements so that density and minimum lot size cannot be more restrictive; density bonus round up to whole unit; prohibits functional family zoning.
52	24 V.S.A. § 4413	Places limits on what aspects towns can regulate zoning for hotels and motels converted to permanently affordable housing developments.
53	24 V.S.A. § 4428	Allows towns to adopt parking bylaws and includes some provisions that must be included.
54	24 V.S.A. § 4414	The number of required parking spaces shall be rounded up
55		Moves up effective date for Sec. 54 from Dec. 1, 2024 to July 1, 2024

56	24 V.S.A. § 4429	Lot coverage bylaws shall allow a bonus for lots that allow access to lots without road frontage
57	24 V.S.A. § 4464	Municipal panel shall hold hearing on zoning permit and decide on application w/180days
58-59	24 V.S.A. § 4465 24 V.S.A. § 4471	Changes appeal by 10 people to 3% of town or 25 people; 3% of population appealing don't need to have participated
60	10 V.S.A. § 8504	The Environmental Division of the Superior shall try to hear municipal zoning permit appeals within 60 days and decide within 90 days of hearing
61		Appropriates \$168,000 for one new judge for the Superior Court
<b>Resilience Planning</b>		
62	24 V.S.A. § 4306	Changes the name of the Municipal and Regional Planning Fund to the Municipal and Regional Planning and Resilience Fund; allows grants from the fund to be spent on resilience planning, including flood protection and climate resilience.
63		Appropriates \$1.5M to Municipal and Regional Planning and Resilience Fund to support resilience planning
64		Appropriates \$125,000 to ACCD to for one new staff member for the resilience grants; Appropriates \$125,000 to ANR for one new staff member to assist with financing climate resilience projects.
<b>Designated Areas Update</b>		
65		Repeals chapter 24 V.S.A. chapter 76A on July 1, 2034 Repeals State Downtown Board on July 1, 2024
66	24 V.S.A. chapter 139	Creates new chapter 139 to replace chapter 76A <b>§ 5801-</b> Definition section <b>§ 5802-</b> Vermont Community Investment Board to replace the State Downtown Board <b>§ 5803-</b> Designation of Downtown and Village Centers- replaces the Designated Downtowns, Village Centers, and New Town Centers. Areas are automatically designated based on the regional plan future land use maps. Towns can access additional benefits if they comply with additional criteria. <b>§ 5804-</b> Designated Neighborhood- replaces the Designated Neighborhood Development Areas and Growth Centers. <b>§ 5805-</b> Grants and Gifts <b>§ 5806-</b> Designation Data Center- The Department of Housing and Community Development (DHCD) shall maintain information on the designated areas.  <b>§ 5807-</b> Better Places Program; Crowd Granting- same as existing, just moves to new chapter except that this program was set to sunset July 1, 2024.

67		Municipal Technical Assistance Report- DHCD shall recommend procedure for providing interagency technical assistance to municipalities participating in the programs under this chapter by Dec. 31, 2025
<b>Tax Credits</b>		
68	32 V.S.A. § 5930aa	Amends Downtown and Village Center Tax Credit program to reference new designated areas;
69	32 V.S.A. § 5930aa	updates Flood Mitigation tax credit to include buildings not located in the flood hazard area
70	32 V.S.A. § 5930bb	Amends Downtown and Village Center Tax Credit program to strike old language
71	32 V.S.A. § 5930cc	Increases code improvement tax credit from \$50,000 to \$100,000; increases the flood mitigation tax credit from \$75,000 to \$100,000
72		Raises cap on amount of Downtown Tax Credits that can be awarded each year from \$3m to \$5m
<b>Taxes</b>		
73	32 V.S.A. § 9602	Creates a new property transfer tax rate of 2.5% for residential properties that will not be used as a principal residence and are not used for a long-term rental; increases the amount excluded from PTT for principal residences purchased with a mortgage from VHCTF/VHFA/USDARD from the first \$110,000 to the first \$150,000.
74	10 V.S.A. § 312	Changes the allocation of PTT revenue so that the additional new revenue created by the new tax rate has an allocation of 70% to the Housing and Conservation Trust Fund and 30% to the Municipal and Regional Planning Fund.
75	24 V.S.A. § 4306	Annually transfers \$2,000,000 of PTT revenue (adjusted for inflation) to the Act 250 Permit Fund.
77-83		Creates an education property tax exemption to freeze property values of certain newly constructed and rehabilitated principal residences for two years; option for municipalities to also allow the exemption for municipal property taxes; sunsets in 2037.
84	32 V.S.A. § 9603	Creates a property tax exemption for transfers of blighted dwellings that will be rehabilitated as a principal residence.
85	32 V.S.A. § 5811	Eliminates the limit to the Vermont income tax deduction for medical expenses for entrance fees or monthly payments made to continuing care retirement communities to the extent that those fees or payments exceed the deductibility limits for qualified long-term care insurance premiums.
<b>Housing Programs</b>		
86	10 V.S.A. § 699	VHIP: transition from grants to forgivable loans; boost funding limit from \$50,000 to \$70,000

87		Appropriates \$5,000,000 to VHIP:
88		Appropriates \$1,000,000 to Healthy Homes Initiative
89	Act 47, Sec. 36	Middle-Income Homeownership Development Program: add subsidy recapture as permissible condition for affordability subsidy; remove geographic goals; provide flexibility for 35% cap
90		Repeals duplicative implementation provision for Middle Income Program
91		Appropriates \$10,000,000 to Middle-Income Homeownership Development Program:
92		Appropriates \$40,000,000 to VHCB for perpetually affordable housing and emergency shelter
93		Appropriates \$400,000 to Rental Housing Stabilization Services Program
94		Appropriates \$1,025,000 to Tenant Representation Pilot Program
95		Appropriates \$2,500,000 to Rent Arrears Assistance Fund
96		Appropriates \$1,100,000 for Section 8 landlords Landlord Relief Program
97		Appropriates \$1,000,000 to First-Generation Homebuyer Program
<b>Rental Data Collection and Protection</b>		
98	32 V.S.A. § 6069	Boost landlord certificate disclosure; eliminate public request for information from certificate; require annual aggregated data report to legislative committees
99	32 V.S.A. § 3102	Landlord certificate confidentiality provisions; annual disclosure of information from landlord certificates to VEM and DHCD
<b>Short-Term Rentals</b>		
100 -101	20 V.S.A. § 2676 20 V.S.A. § 2678	Requires Division of Fire Safety to provide guidance on health & safety rules to STR platforms; STR operators to post guidance physically and online
<b>Flood Risk Disclosure</b>		
102	27 V.S.A. § 380	Requires flood insurance disclosure for conveyance of real property
103	9 V.S.A. § 4466	Requires flood risk disclosure for residential rental agreements
104-105	10 V.S.A. § 6236(e) 10V.S.A. § 6201	Requires flood risk disclosure for mobile home park lot leases



<b>Mobile Homes</b>		
106		Manufactured Home Improvement and Replacement Program: authorize certain practicalities
107		MHIR: appropriates \$2,000,000 for mobile home park infrastructure improvements and extending Home Repair Awards program
108		Appropriates \$700,000 to CVOEO for Mobile Home Park Technical Assistance Services Team and \$300,000 to fund resident emergency grants
<b>Age-Restricted Housing</b>		
109	10 V.S.A. § 325c	Grants VHCB an assignable right of first refusal to purchase privately owned age-restricted housing
110	9 V.S.A. § 4468a	Rent notice increase for privately owned age-restricted housing
<b>Reports and Studies</b>		
111		Land Bank Report
112		Rent Payment Reporting Report
113		Landlord-Tenant Law Study Committee
<b>Effective Dates</b>		
114		<p>The bill is effective <u>on passage</u> except:</p> <ul style="list-style-type: none"> <li>• Secs. 11 (10 V.S.A. § 6007), 13 (10 V.S.A. chapter 220) and 14 (4 V.S.A. § 34) shall take effect on <u>October 1, 2026</u>;</li> <li>• Sec. 18 (revision authority) shall take effect on <u>July 1, 2025</u>.</li> <li>• Secs. 19 (10 V.S.A. § 6001), 20 (10 V.S.A. § 6086(a)(8)), and 26 (10 V.S.A. § 6001) shall take effect on <u>December 31, 2026</u>;</li> <li>• Sec. 24 (10 V.S.A. § 6001(3)(A)(xii)) shall take effect on <u>July 1, 2026</u>;</li> <li>• Sec. 68 (32 V.S.A. § 5930aa) shall take effect on <u>January 1, 2027</u>;</li> <li>• Notwithstanding 1 V.S.A. § 214, Sec. 85 (medical expenses deduction) shall take effect retroactively on <u>January 1, 2024</u> and shall apply to taxable years beginning on and after <u>January 1, 2024</u>.;and</li> <li>• Sec. 83 (grand list contents, 32 V.S.A. § 4152(a)) shall take effect on <u>July 1, 2037</u>.</li> </ul>