S.100 Side by Side Comparison
4 May 2023

Sec.	As Passed by Senate	As proposed by House as of today
	Municipal Zoning	
1	Sec. 1. 24 V.S.A. § 4414 is amended to read: § 4414. ZONING; PERMISSIBLE TYPES OF REGULATIONS * * * (4) Parking and loading facilities. A municipality may adopt provisions setting forth standards for permitted and required facilities for off-street parking and loading, which may vary by district and by uses within each district. For residential uses, a municipality shall not require more than one parking space per dwelling unit or accessory dwelling unit. However, a municipality may require 1.5 parking spaces per dwelling unit if the development is located more than one-quarter of a mile away from public parking or the need for parking cannot be reasonably met through the use of on-street parking, public parking, or shared parking. Municipalities may round up to the nearest whole parking space. These bylaws may also include provisions covering the location, size, design, access, landscaping, and screening of those facilities. In determining the number of parking spaces for nonresidential uses and size of parking spaces required under these regulations, the appropriate municipal panel may take into account the existence or availability of employer "transit pass" and rideshare programs, public transit routes, and public parking spaces in the vicinity of the development. ~~However, a municipality shall not require an accessory dwelling unit to have more than one parking space per bedroom.~~ * * *	Sec. 1. 24 V.S.A. § 4414 is amended to read: § 4414. ZONING; PERMISSIBLE TYPES OF REGULATIONS * * * (4) Parking and loading facilities. A municipality may adopt provisions setting forth standards for permitted and required facilities for off-street parking and loading, which may vary by district and by uses within each district. In any district that is served by municipal sewer and water infrastructure that allows residential uses, a municipality shall not require more than one parking space per dwelling unit. However, a municipality may require 1.5 parking spaces for duplexes and multi-unit dwellings in areas not served by sewer and water and in areas that are located more than one-quarter mile away from public parking rounded up to the nearest whole number when calculating the total number of spaces. These bylaws may also include provisions covering the location, size, design, access, landscaping, and screening of those facilities. In determining the number of parking spaces for nonresidential uses and size of parking spaces required under these regulations, the appropriate municipal panel may take into account the existence or availability of employer "transit pass" and rideshare programs, public transit routes, and public parking spaces in the vicinity of the development. ~~However, a municipality shall not require an accessory dwelling unit to have more than one parking space per bedroom.~~ * * *
2	Sec. 2. 24 V.S.A. § 4412 is amended to read: § 4412. REQUIRED PROVISIONS AND PROHIBITED EFFECTS Notwithstanding any existing bylaw, the following land development provisions shall apply in every municipality: (1) Equal treatment of housing and required provisions for affordable housing.	Sec. 2. 24 V.S.A. § 4412 is amended to read: § 4412. REQUIRED PROVISIONS AND PROHIBITED EFFECTS Notwithstanding any existing bylaw, the following land development provisions shall apply in every municipality: (1) Equal treatment of housing and required provisions for affordable housing.

	* * *	* * *
	(D) Bylaws shall designate appropriate districts and reasonable regulations for multiunit or multifamily dwellings. No bylaw shall have the effect of excluding these multiunit or multifamily dwellings from the municipality. In any district that allows year-round residential development, duplexes shall be an allowed use with the same dimensional standards as a single-unit dwelling. In any district that is served by municipal sewer and water infrastructure that allows residential development, multiunit dwellings with four or fewer units shall be an allowed use.	(D) Bylaws shall designate appropriate districts and reasonable regulations for multiunit or multifamily dwellings. No bylaw shall have the effect of excluding these multiunit or multifamily dwellings from the municipality. In any district that allows year-round residential development, duplexes shall be an allowed use with the same dimensional standards as a single-unit dwelling. In any district that is served by municipal sewer and water infrastructure that allows residential development, multiunit dwellings with four or fewer units shall be a permitted use, unless that district specifically requires multiunit structures to have more than four dwelling units.
	(E) Except for flood hazard and fluvial erosion area bylaws adopted pursuant to section 4424 of this title, no bylaw shall have the effect of excluding as a permitted use one accessory dwelling unit that is located within or appurtenant to a single-family dwelling on an owner-occupied lot. A bylaw ~~may~~ shall require a single-family dwelling with an accessory dwelling unit to be subject to the same review, dimensional, or other controls as required for a single-family dwelling without an accessory dwelling unit. The criteria for conversion of an existing detached nonresidential building to habitable space for an accessory dwelling unit shall not be more restrictive than the criteria used for a single-family dwelling without an accessory dwelling unit. An "accessory dwelling unit" means a distinct unit that is clearly subordinate to a single-family dwelling~~,~~ and has facilities and provisions for independent living, including sleeping, food preparation, and sanitation, provided there is compliance with all the following: (i) The property has sufficient wastewater capacity. (ii) The unit does not exceed 30 percent of the total habitable floor area of the single-family dwelling or 900 square feet, whichever is greater.	(E) Except for flood hazard and fluvial erosion area bylaws adopted pursuant to section 4424 of this title, no bylaw shall have the effect of excluding as a permitted use one accessory dwelling unit that is located within or appurtenant to a single-family dwelling on an owner-occupied lot. A bylaw ~~may~~ shall require a single-family dwelling with an accessory dwelling unit to be subject to the same review, dimensional, or other controls as required for a single-family dwelling without an accessory dwelling unit. ~~An accessory dwelling unit means a distinct unit that is clearly subordinate to a single-family dwelling, and has facilities and provisions for independent living, including sleeping, food preparation, and sanitation, provided there is compliance with all the following:~~ The criteria for conversion of an existing detached nonresidential building to habitable space for an accessory dwelling unit shall not be more restrictive than the criteria used for a single-family dwelling without an accessory dwelling unit. ~~(i) The property has sufficient wastewater capacity.~~ ~~(ii) The unit does not exceed 30 percent of the total habitable floor area of the single-family dwelling or 900 square feet, whichever is greater.~~
	* * *	* * *
	(H) No bylaw shall have the effect of prohibiting or penalizing a hotel from renting rooms to provide housing assistance through the State of Vermont's General Assistance	(H) No bylaw shall have the effect of prohibiting or penalizing a hotel from renting rooms to provide housing assistance through the State of Vermont's General Assistance

	program, or to any person whose room is rented with public funds. The term "hotel" has the same meaning as in 32 V.S.A. 9202(3). * * * (12) In any district served by municipal sewer and water infrastructure that allows residential development, bylaws shall establish lot and building dimensional standards that allow five or more dwelling units per acre for each allowed residential use, and density standards for multiunit dwellings shall not be more restrictive than those required for single-family dwellings. (13) In any district served by municipal sewer and water infrastructure that allows residential development, any mixed-use developments and affordable housing developments, as defined in subdivision 4303(2) of this title, may exceed building height limitations by one additional habitable floor beyond the maximum height, and using that additional floor may exceed density limitations for residential developments by an additional 40 percent, provided that the structure complies with the Vermont Fire and Building Safety Code. (14) No bylaw shall have the effect of limiting the square footage of a duplex that otherwise complies with the applicable building code. (15)(A) As used in this section, an area "served by municipal water and sewer infrastructure" means: (i) that residential connections and expansions are available to municipal water and direct and indirect discharge wastewater systems and not prohibited by: (I) State regulations or permits; (II) identified capacity constraints; or (III) municipally adopted service and capacity agreements; or (ii) areas established by the municipality by ordinance or bylaw that: (I) exclude flood hazard or inundation areas as established by statute, river corridors or fluvial erosion areas as established by statute, shorelands, and wherever year-round residential development is not allowed;	program, or to any person whose room is rented with public funds. In this subsection, the term "hotel" has the same meaning as in 32 V.S.A. 9202(3). * * * (12) In any area served by municipal sewer and water infrastructure that allows residential development, bylaws shall establish lot and building dimensional standards that allow five or more dwelling units per acre for each allowed residential use, and density standards for multiunit dwellings shall not be more restrictive than those required for single-family dwellings. (13) In any area served by municipal sewer and water infrastructure that allows residential development, bylaws shall permit any affordable housing development, as defined in subdivision 4303(2) of this title, including mixed-use development, to exceed density limitations for residential developments by an additional 40 percent, which shall include exceeding maximum height limitations by one floor, provided that the structure complies with the Vermont Fire and Building Safety Code.

	(II) reflect identified service limits established by State regulations or permits, identified capacity constraints, or municipally adopted service and capacity agreements; (III) exclude areas served by water and sewer to address an identified community-scale public health hazard or environmental hazard; (IV) exclude areas serving a mobile home park that is not within an area planned for year-round residential growth; (V) exclude areas serving an industrial site or park; (VI) exclude areas where service lines are located to serve the areas described in subdivisions (III)–(V) of this subdivision (ii), but no connections or expansions are permitted; or (VII) modify the zoning provisions allowed under this chapter in areas served by indirect discharge designed for less than 100,000 gallons per day. (B) Municipally adopted areas served by municipal water and sewer infrastructure that limit water and sewer connections and expansions shall not result in the unequal treatment of housing by discriminating against a year-round residential use or housing type otherwise allowed in this chapter.	
3	Sec. 3. 24 V.S.A. § 4413 is amended to read: § 4413. LIMITATIONS ON MUNICIPAL BYLAWS (a)(1) The following uses may be regulated only with respect to location, size, height, building bulk, yards, courts, setbacks, density of buildings, off-street parking, loading facilities, traffic, noise, lighting, landscaping, and screening requirements, and only to the extent that regulations do not have the effect of interfering with the intended functional use: (A) State- or community-owned and ~~operated~~ -operated institutions and facilities; (B) public and private schools and other educational institutions certified by the Agency of Education; (C) churches and other places of worship, convents, and parish houses; (D) public and private hospitals;	No changes

	(E) regional solid waste management facilities certified under 10 V.S.A. chapter 159; (F) hazardous waste management facilities for which a notice of intent to construct has been received under 10 V.S.A. § 6606a; and (G) emergency shelters. (2) Except for State-owned and -operated institutions and facilities, a municipality may regulate each of the land uses listed in subdivision (1) of this subsection for compliance with the National Flood Insurance Program and for compliance with a municipal ordinance or bylaw regulating development in a flood hazard area or river corridor, consistent with the requirements of subdivision 2291(25) and section 4424 of this title. These regulations shall not have the effect of interfering with the intended functional use. (3) For purposes of this subsection, regulating the daily or seasonal hours of operation of an emergency shelter shall constitute interfering with the intended functional use. * * *	
4	Sec. 4. 24 V.S.A. § 4303 is amended to read: § 4303. DEFINITIONS The following definitions shall apply throughout this chapter unless the context otherwise requires: * * * (38) "Accessory dwelling unit" has the same meaning as in subdivision 4412(E) of this title. (39) "Duplex" means a residential building that has two dwelling units in the same building and neither unit is an accessory dwelling unit.	Sec. 4. 24 V.S.A. § 4303 is amended to read: § 4303. DEFINITIONS The following definitions shall apply throughout this chapter unless the context otherwise requires: * * * (38) "Accessory dwelling unit" means a distinct unit that is clearly subordinate to a single-family dwelling and has facilities and provisions for independent living, including sleeping, food preparation, and sanitation, provided there is compliance with all the following: (A) the property has sufficient wastewater capacity; and (B) the unit does not exceed 30 percent of the total habitable floor area of the single-family dwelling or 900 square feet, whichever is greater. (39) "Duplex" means a residential building that has two dwelling units in the same building and neither unit is an accessory dwelling unit.

	(40) "Emergency shelter" means any facility, the primary purpose of which is to provide a temporary shelter for the homeless in general or for specific populations of the homeless and that does not require occupants to sign leases or occupancy agreements. (41) "Multiunit or multifamily dwelling" means a building that contains three or more dwelling units in the same building.	(40) "Emergency shelter" means any facility, the primary purpose of which is to provide a temporary shelter for the homeless in general or for specific populations of the homeless and that does not require occupants to sign leases or occupancy agreements. (41) "Multiunit or multifamily dwelling" means a building that contains three or more dwelling units in the same building.
	(Language from 4412) (15)(A) As used in this section, an area "served by municipal water and sewer infrastructure" means: (i) that residential connections and expansions are available to municipal water and direct and indirect discharge wastewater systems and not prohibited by: (I) State regulations or permits; (II) identified capacity constraints; or (III) municipally adopted service and capacity agreements; or (ii) areas established by the municipality by ordinance or bylaw that: (I) exclude flood hazard or inundation areas as established by statute, river corridors or fluvial erosion areas as established by statute, shorelands, and wherever year-round residential development is not allowed; (II) reflect identified service limits established by State regulations or permits, identified capacity constraints, or municipally adopted service and capacity agreements; (III) exclude areas served by water and sewer to address an identified community-scale public health hazard or environmental hazard; (IV) exclude areas serving a mobile home park that is not within an area planned for year-round residential growth; (V) exclude areas serving an industrial site or park;	(Language from 4303) (42)(A) An area "served by municipal sewer and water infrastructure" means: (i) an area where residential connections and expansions are available to municipal water and direct and indirect discharge wastewater systems and not prohibited by: (I) State regulations or permits; (II) identified capacity constraints; or (III) municipally adopted service and capacity agreements; or (ii) an area established by the municipality by ordinance or bylaw where residential connections and expansions are available to municipal water and direct and indirect discharge wastewater systems and which may exclude: (I) flood hazard or inundation areas as established by statute, river corridors or fluvial erosion areas as established by statute, shorelands, areas within a zoning district or overlay district the purpose of which is natural resource protection, and wherever year-round residential development is not allowed; (II) areas with identified service limits established by State regulations or permits, identified capacity constraints, or municipally adopted service and capacity agreements; (III) areas served by sewer and water to address an identified community-scale public health hazard or environmental hazard; (IV) areas serving a mobile home park that is not within an area planned for year-round residential growth; (V) areas serving an industrial site or park;

	(VI) exclude areas where service lines are located to serve the areas described in subdivisions (III)–(V) of this subdivision (ii), but no connections or expansions are permitted; or (VII) modify the zoning provisions allowed under this chapter in areas served by indirect discharge designed for less than 100,000 gallons per day. (B) Municipally adopted areas served by municipal water and sewer infrastructure that limit water and sewer connections and expansions shall not result in the unequal treatment of housing by discriminating against a year-round residential use or housing type otherwise allowed in this chapter.	(VI) areas where service lines are located to serve the areas described in subdivisions (III)–(V) of this subdivision (ii), but no connections or expansions are permitted; or (VII) areas that, through an approved Planned Unit Development under section 4417 of this title or Transfer of Development Rights under section 4423 of this title, prohibit year-round residential development. (B) Municipally adopted areas served by municipal sewer and water infrastructure that limit sewer and water connections and expansions shall not result in the unequal treatment of housing by discriminating against a year-round residential use or housing type otherwise allowed in this chapter.
5	Sec. 5. 24 V.S.A. § 4441 is amended to read: § 4441. PREPARATION OF BYLAWS AND REGULATORY TOOLS; AMENDMENT OR REPEAL * * * (c) When considering an amendment to a bylaw, the planning commission shall prepare and approve a written report on the proposal. A single report may be prepared so as to satisfy the requirements of this subsection concerning bylaw amendments and subsection 4384(c) of this title concerning plan amendments. ~~The Department of Housing and Community Development shall provide all municipalities with a form for this report.~~ The report shall provide a brief explanation of the proposed bylaw, amendment, or repeal and shall include a statement of purpose as required for notice under section 4444 of this title~~,~~ and shall include findings regarding how the proposal: (1) ~~Conforms~~ conforms with or furthers the goals and policies contained in the municipal plan, including the effect of the proposal on the availability of safe and affordable housing~~.~~, and sections 4412, 4413, and 4414 of this title; (2) ~~Is~~ is compatible with the proposed future land uses and densities of the municipal plan~~.~~; and (3) ~~Carries~~ carries out, as applicable, any specific proposals for any planned community facilities.	Sec. 5. 24 V.S.A. § 4441 is amended to read: § 4441. PREPARATION OF BYLAWS AND REGULATORY TOOLS; AMENDMENT OR REPEAL * * * (c) When considering an amendment to a bylaw, the planning commission shall prepare and approve a written report on the proposal. A single report may be prepared so as to satisfy the requirements of this subsection concerning bylaw amendments and subsection 4384(c) of this title concerning plan amendments. ~~The Department of Housing and Community Development shall provide all municipalities with a form for this report.~~ The report shall provide a brief explanation of the proposed bylaw, amendment, or repeal and shall include a statement of purpose as required for notice under section 4444 of this title~~,~~ and shall include findings regarding how the proposal: (1) ~~Conforms~~ conforms with or furthers the goals and policies contained in the municipal plan, including the effect of the proposal on the availability of safe and affordable housing~~.~~, and sections 4412, 4413, and 4414 of this title; (2) ~~Is~~ is compatible with the proposed future land uses and densities of the municipal plan~~.~~; and (3) ~~Carries~~ carries out, as applicable, any specific proposals for any planned community facilities.

	* * * (h) Upon adoption or amendment of a bylaw, the planning commission shall prepare an adoption report in form and content provided by the Department of Housing and Community Development that: (1) demonstrates conformity with sections 4412, 4413, and 4414 of this title; and (2) provides information on the municipal application of subchapters 7 (bylaws), 9 (administration), and 10 (panels) of this chapter for the Municipal Planning Data Center and the prospective development of a statewide zoning atlas.	* * * (h) Upon adoption or amendment of a bylaw, the planning commission shall prepare an adoption report in form and content provided by the Department of Housing and Community Development that: (1) confirms that zoning districts' GIS data has been submitted to the Department and that the data complies with the Vermont Zoning GIS Data Standard adopted pursuant to 10 V.S.A. § 123; (2) confirms that the complete bylaw has been uploaded to the Municipal Plan and Bylaw Database; (3) demonstrates conformity with sections 4412, 4413, and 4414 of this title; and (4) provides information on the municipal application of subchapters 7 (bylaws), 9 (administration), and 10 (panels) of this chapter for the Municipal Planning Data Center and the prospective development of a statewide zoning atlas.
6	Sec. 6. 24 V.S.A. § 4465 is amended to read: § 4465. APPEALS OF DECISIONS OF THE ADMINISTRATIVE OFFICER (a) An interested person may appeal any decision or act taken by the administrative officer in any municipality by filing a notice of appeal with the secretary of the board of adjustment or development review board of that municipality or with the clerk of that municipality if no such secretary has been elected. This notice of appeal must be filed within 15 days ~~of~~ following the date of that decision or act, and a copy of the notice of appeal shall be filed with the administrative officer. (b) ~~For the purposes of~~ As used in this chapter, an "interested person" means any one of the following: (1) A person owning title to property, or a municipality or solid waste management district empowered to condemn it or an interest in it, affected by a bylaw, who alleges that the bylaw imposes on the property unreasonable or inappropriate restrictions of present or potential use under the particular circumstances of the case.	Sec. 6. 24 V.S.A. § 4465 is amended to read: § 4465. APPEALS OF DECISIONS OF THE ADMINISTRATIVE OFFICER (a) An interested person may appeal any decision or act taken by the administrative officer in any municipality by filing a notice of appeal with the secretary of the board of adjustment or development review board of that municipality or with the clerk of that municipality if no such secretary has been elected. This notice of appeal must be filed within 15 days ~~of~~ following the date of that decision or act, and a copy of the notice of appeal shall be filed with the administrative officer. (b) ~~For the purposes of~~ As used in this chapter, an "interested person" means any one of the following: (1) A person owning title to property, or a municipality or solid waste management district empowered to condemn it or an interest in it, affected by a bylaw, who alleges that the bylaw imposes on the property unreasonable or inappropriate restrictions of present or potential use under the particular circumstances of the case.

	(2) The municipality that has a plan or a bylaw at issue in an appeal brought under this chapter or any municipality that adjoins that municipality. (3) A person owning or occupying property in the immediate neighborhood of a property that is the subject of any decision or act taken under this chapter, who can demonstrate a physical or environmental impact on the person's interest under the criteria reviewed, and who alleges that the decision or act, if confirmed, will not be in accord with the policies, purposes, or terms of the plan or bylaw of that municipality. (4) Any ~~ten~~ 10 persons who allege a common injury to a particularized interest protected by this chapter, who may be any combination of voters or real property owners within a municipality listed in subdivision (2) of this subsection who, by signed petition to the appropriate municipal panel of a municipality, the plan or a bylaw of which is at issue in any appeal brought under this title, allege that any relief requested by a person under this title, if granted, will not be in accord with the policies, purposes, or terms of the plan or bylaw of that municipality. For purposes of this subdivision, a particularized interest shall not include the character of the area affected. This petition to the appropriate municipal panel must designate one person to serve as the representative of the petitioners regarding all matters related to the appeal. (5) Any department and administrative subdivision of this State owning property or any interest in property within a municipality listed in subdivision (2) of this subsection, and the Agency of Commerce and Community Development of this State. * * *	(2) The municipality that has a plan or a bylaw at issue in an appeal brought under this chapter or any municipality that adjoins that municipality. (3) A person owning or occupying property in the immediate neighborhood of a property that is the subject of any decision or act taken under this chapter, who can demonstrate a physical or environmental impact on the person's interest under the criteria reviewed, and who alleges that the decision or act, if confirmed, will not be in accord with the policies, purposes, or terms of the plan or bylaw of that municipality. (4) Any ~~ten~~ 10 persons who may be any combination of voters, residents, or real property owners within a municipality listed in subdivision (2) of this subsection who, by signed petition to the appropriate municipal panel of a municipality, the plan or a bylaw of which is at issue in any appeal brought under this title, allege that any relief requested by a person under this title, if granted, will not be in accord with the policies, purposes, or terms of the plan or bylaw of that municipality. This petition to the appropriate municipal panel must designate one person to serve as the representative of the petitioners regarding all matters related to the appeal. For purposes of this subdivision, an appeal shall not include the character of the area affected if the project has a residential component that includes affordable housing. (5) Any department and administrative subdivision of this State owning property or any interest in property within a municipality listed in subdivision (2) of this subsection, and the Agency of Commerce and Community Development of this State. * * *
Subdivisions		
7	Sec. 7. 24 V.S.A. § 4463 is amended to read: § 4463. SUBDIVISION REVIEW (a) Approval of plats. Before ~~any~~ a plat for a subdivision is approved, a public hearing on the plat ~~shall~~ may be held by the appropriate municipal panel after public notice. A bylaw may provide for when a public hearing is required. A copy of the	Sec. 7. 24 V.S.A. § 4463 is amended to read: § 4463. SUBDIVISION REVIEW (a) Approval of plats. Before ~~any~~ a plat for a major subdivision is approved, a public hearing on the plat shall be held by the appropriate municipal panel after public notice. A bylaw may provide for the administrative officer to approve minor

	notice shall be sent to the clerk of an adjacent municipality, in the case of a plat located within 500 feet of a municipal boundary, at least 15 days prior to the public hearing. (b) Plat; record. The approval of the appropriate municipal panel or administrative officer, if the bylaws provide for their approval of subdivisions, shall expire 180 days from that approval or certification unless, within that 180-day period, that plat shall have been duly filed or recorded in the office of the clerk of the municipality. After an approved plat or certification by the clerk is filed, no expiration of that approval or certification shall be applicable. (1) The bylaw may allow the administrative officer to extend the date for filing the plat by an additional 90 days~~,~~ if final local or State permits or approvals are still pending. (2) No plat showing a new street or highway may be filed or recorded in the office of the clerk of the municipality until it has been approved by the appropriate municipal panel, or administrative officer if allowed under the bylaws, pursuant to subsection (a) of this section, and that approval is endorsed in writing on the plat, or the certificate of the clerk of the municipality showing the failure of the appropriate municipal panel to take action within the 45-day period is attached to the plat and filed or recorded with the plat. After that filing or recording, the plat shall be a part of the official map of the municipality. * * *	subdivisions. A copy of the notice shall be sent to the clerk of an adjacent municipality, in the case of a plat located within 500 feet of a municipal boundary, at least 15 days prior to the public hearing. (b) Plat; record. The approval of the appropriate municipal panel or administrative officer, if the bylaws provide for their approval of minor subdivisions, shall expire 180 days from that approval or certification unless, within that 180-day period, that plat shall have been duly filed or recorded in the office of the clerk of the municipality. After an approved plat or certification by the clerk is filed, no expiration of that approval or certification shall be applicable. (1) The bylaw may allow the administrative officer to extend the date for filing the plat by an additional 90 days~~,~~ if final local or State permits or approvals are still pending. (2) No plat showing a new street or highway may be filed or recorded in the office of the clerk of the municipality until it has been approved by the appropriate municipal panel, or administrative officer if allowed under the bylaws, pursuant to subsection (a) of this section, and that approval is endorsed in writing on the plat, or the certificate of the clerk of the municipality showing the failure of the appropriate municipal panel to take action within the 45-day period is attached to the plat and filed or recorded with the plat. After that filing or recording, the plat shall be a part of the official map of the municipality. * * *
8	Sec. 8. 24 V.S.A. § 4418 is amended to read: § 4418. SUBDIVISION BYLAWS * * * (2) Subdivision bylaws may include: (A) ~~Provisions~~ provisions allowing the appropriate municipal panel to waive or modify, subject to appropriate conditions, the provision of any or all improvements and requirements as in its judgment of the special circumstances of a particular plat or plats are not requisite in the interest of the public health, safety, and general welfare, or are inappropriate because of	No changes

	inadequacy or lack of connecting facilities adjacent or in proximity to the subdivision~~.~~; (B) ~~Procedures~~ procedures for conceptual, preliminary, partial, and other reviews preceding submission of a subdivision plat, including any administrative reviews~~.~~; (C) ~~Specific~~ specific development standards to promote the conservation of energy or to permit the utilization of renewable energy resources, or both~~.~~; (D) State standards and criteria under 10 V.S.A. § 6086(a); and (E) provisions to allow the administrative officer to approve minor subdivisions.	
Appeals		
9	Sec. 9. 24 V.S.A. § 4471 is amended to read: § 4471. APPEAL TO ENVIRONMENTAL DIVISION * * * (e) ~~Neighborhood development area~~ Designated areas. Notwithstanding subsection (a) of this section, a determination by an appropriate municipal panel that a residential development will not result in an undue adverse effect on the character of the area affected shall not be subject to appeal if the ~~determination is that a~~ proposed residential development seeking conditional use approval under subdivision 4414(3) of this title is within a designated downtown development district, designated growth center, ~~designated Vermont neighborhood,~~ or designated neighborhood development area ~~seeking conditional use approval will not result in an undue adverse effect on the character of the area affected under subdivision 4414(3) of this title~~. Other elements of the determination made by the appropriate municipal panel may be appealed.	No changes
By Right		
10	Sec. 10. 24 V.S.A. § 4464(b) is amended to read: (b) Decisions. * * *	No changes

	(7)(A) A decision rendered by the appropriate municipal panel for a housing development or the housing portion of a mixed-use development shall not: (i) require a larger lot size than the minimum as determined in the municipal bylaws; (ii) require more parking spaces than the minimum as determined in the municipal bylaws and in section 4414 of this title; (iii) limit the building size to less than that allowed in the municipal bylaws, including reducing the building footprint or height; (iv) limit the density of dwelling units to below that allowed in the municipal bylaws; and (v) otherwise disallow a development to abide by the minimum or maximum applicable municipal standards; (B) However, a decision may require adjustments to the applicable municipal standards listed in subdivision (A) of this subdivision (7) if the panel or officer issues a written finding stating: (i) why the modification is necessary to comply with a prerequisite State or federal permit, municipal permit, or a nondiscretionary standard in a bylaw or ordinance, including requirements related to wetlands, setbacks, and flood hazard areas and river corridors; and (ii) how the identified restrictions do not result in an unequal treatment of housing or an unreasonable exclusion of housing development otherwise allowed by the bylaws.	
11	Sec. 11. 24 V.S.A. § 4348a is amended to read: § 4348a. ELEMENTS OF A REGIONAL PLAN (a) A regional plan shall be consistent with the goals established in section 4302 of this title and shall include the following: * * * (9) A housing element that identifies the regional and community-level need for housing ~~for all economic groups in the region and communities. In establishing the identified need, due~~	No changes

	~~consideration shall be given to~~ that will result in an adequate supply of building code and energy code compliant homes where most households spend not more than 30 percent of their income on housing and no more than 15 percent on transportation. To establish housing needs, the Department of Housing and Community Development shall publish statewide and regional housing targets or ranges as part of the Statewide Housing Needs Assessment. The regional planning commission shall consult the Statewide Housing Needs Assessment; current and expected demographic data; the current location, quality, types and cost of housing; other local studies related to housing needs; and data gathered pursuant to subsection 4382(c) of this title. If no such data has been gathered, the regional planning commission shall gather it. The regional planning commission's assessment shall estimate the total needed housing investments in terms of price, quality, unit size or type, and zoning district as applicable and shall disaggregate regional housing targets or ranges by municipality. The housing element shall include a set of recommended actions to satisfy the established needs. * * *	
12	Sec. 12. 24 V.S.A. § 4382 is amended to read: § 4382. THE PLAN FOR A MUNICIPALITY (a) A plan for a municipality ~~may~~ shall be consistent with the goals established in section 4302 of this title and compatible with approved plans of other municipalities in the region and with the regional plan and shall include the following: * * * (10) A housing element that shall include a recommended program for ~~addressing low and moderate income persons'~~ public and private actions to address housing needs as identified by the regional planning commission pursuant to subdivision 4348a(a)(9) of this title. The program should include specific actions to address the housing needs of persons with low income and persons with moderate income and account for permitted accessory dwelling units, as defined in subdivision 4412(1)(E) of this title,	Sec. 12. 24 V.S.A. § 4382 is amended to read: § 4382. THE PLAN FOR A MUNICIPALITY (a) A plan for a municipality ~~may~~ shall be consistent with the goals established in section 4302 of this title and compatible with approved plans of other municipalities in the region and with the regional plan and shall include the following: * * * (10) A housing element that shall include a recommended program for ~~addressing low and moderate income persons'~~ public and private actions to address housing needs as identified by the regional planning commission pursuant to subdivision 4348a(a)(9) of this title. The program should use data on year-round and seasonal dwellings and include specific actions to address the housing needs of persons with low income and persons with moderate income and account for permitted ~~accessory dwelling units, as defined in subdivision 4412(1)(E) of this title, which~~

	~~which provide affordable housing~~ as well as any material impact of short-term rental units. * * *	~~provide affordable housing~~ residential development as described in section 4412 of this title. * * *
13		Sec. 13. 24 V.S.A. § 4442 is amended to read: § 4442. ADOPTION OF BYLAWS AND RELATED REGULATORY TOOLS; AMENDMENT OR REPEAL * * * (c) Routine adoption. ~~(1)~~ A bylaw, bylaw amendment, or bylaw repeal shall be adopted by a majority of the members of the legislative body at a meeting that is held after the final public hearing, and shall be effective 21 days after adoption unless, by action of the legislative body, the bylaw, bylaw amendment, or bylaw repeal is warned for adoption by the municipality by Australian ballot at a special or regular meeting of the municipality. ~~(2) However, a rural town as defined in section 4303 of this chapter, by vote of that town at a special or regular meeting duly warned on the issue, may elect to require that bylaws, bylaw amendments, or bylaw repeals shall be adopted by vote of the town by Australian ballot at a special or regular meeting duly warned on the issue. That procedure shall then apply until rescinded by the voters at a regular or special meeting of the town.~~ * * *

Energy Codes		
13	Sec. 13. 24 V.S.A. § 3101(a) is amended to read: (a) The mayor and board of aldermen of a city, the selectboard of a town, or the trustees of an incorporated village~~,~~ may, in accordance with this chapter, establish codes and regulations for the construction, maintenance, repair, and alteration of buildings and other structures within the municipality. Such codes and regulations may include provisions relating to building materials, structural design, passageways, stairways and exits, heating systems, fire protection procedures, and such other matters as may be reasonably necessary for the health, safety, and welfare of the public, but excluding electrical installations subject to regulation under 26 V.S.A. chapter 15. Any energy codes and regulations adopted after July 1, 2023 shall not be more restrictive than the Residential Building Energy Standards or the stretch code adopted under 30 V.S.A. § 51 or the Commercial Building Energy Standards adopted under 30 V.S.A. § 53, except where enabled by a municipal charter.	
14	(There was no Sec. 14)	Sec. 14. 24 V.S.A. § 4306 is amended read: § 4306. MUNICIPAL AND REGIONAL PLANNING FUND * * * (b)(1) Allocations for performance contract funding to regional planning commissions shall be determined according to a formula to be adopted by rule under 3 V.S.A. chapter 25 by the Department for the assistance of the regional planning commissions. Disbursement of funding to regional planning commissions shall be predicated upon meeting performance goals and targets pursuant to the terms of the performance contract. (2) Disbursement to municipalities shall be awarded annually on or before December 31 through a competitive program administered by the Department providing the opportunity for any eligible municipality or municipalities to compete regardless of size, provided that to receive funds, a municipality: (A) shall be confirmed under section 4350 of this title; or (B)(i) shall use the funds for the purpose of developing a municipal plan to be submitted for approval by the regional

		planning commission, as required for municipal confirmation under section 4350 of this title; and (ii) shall have voted at an annual or special meeting to provide local funds for municipal and regional planning purposes. (3) Of the annual disbursement to municipalities, an amount not to exceed 20 percent of the total may be disbursed to the Department to administer a program providing direct technical consulting assistance under retainer on a rolling basis to any eligible municipality to meet the requirements for designated neighborhood development area under chapter 76A of this title, provided that the municipality is eligible for funding under subdivision (2) and meets funding guidelines established by the Department to ensure accessibility for lower capacity communities, municipal readiness, and statewide coverage. (4) Of the annual disbursement to municipalities, the Department may allocate funding as bylaw modernization grants under 4307. * * * ~~(d) New funds allocated to municipalities under this section may take the form of Municipal Bylaw Modernization Grants in accordance with section 4307 of this title.~~
Regional Planning		
15	(There was no Sec. 15)	Sec. 15. REGIONAL PLANNING REPORT (a) On or before December 15, 2023, the Vermont Association of Planning and Development Agencies shall report on statutory recommendations to better integrate and implement municipal, regional, and State plans, policies, and investments by focusing on regional future land use maps and policies. (b) The recommendations shall address how to accomplish the following: (1) Aligning policies and implementation between municipalities, regional planning commissions, and State entities to better address climate change, climate resiliency, natural resources, housing, transportation, economic development, and other place-based issues.

		(2) Building upon municipal and regional enhanced energy plans and their implementation. (3) Evaluating place-based policy and project decisions by the State, regional planning commissions, and municipalities related to implementing regional future land use maps and policies and recommending changes to which of those governmental levels those decisions should occur, if necessary. (4) Ensuring that State agency investment and policy decisions that relate to land development are consistent with regional and local plans. The investments assessed should include, at a minimum: (A) drinking water; (B) wastewater; (C) stormwater; (D) transportation; (E) community and economic development; (F) housing; (G) energy; and (H) telecommunications. (5) Achieving statewide consistency of future land use maps and policies to better support Act 250 and 30 V.S.A. § 248. (6) How Act 250 and 30 V.S.A. § 248 could better support implementation of regional future land use maps and policies. (7) Better support implementation of regional future land use maps and policies in the State designation program under 24 V.S.A. chapter 76A. (8) Improving the quality and effectiveness of future land use maps in regional and municipal plans through changes to 24 V.S.A. chapter 117 including: (A) future land use map area delineations, definitions, statements, and policies; (B) existing settlement definitions and their relationship to future land use maps; (C) the role of regional plans in the review and approval of municipal plans and planning processes; and (D) a review mechanism to ensure bylaws are consistent with municipal plans.

		(c) The report should also discuss how best to implement the recommendations, including the following: (1) how best to phase in the recommendations; (2) how to establish a mechanism for the independent review of regional plans to ensure consistency with statutory requirements; (3) what guidance and training will be needed to implement the recommendations; and (4) what incentives and accountability mechanisms are necessary to accomplish these changes at all levels of government. (d) The Vermont Association of Planning and Development Agencies shall consult with the Agency of Transportation, the Agency of Natural Resources, the Agency of Commerce and Community Development, the Department of Public Service, Vermont Emergency Management, the Natural Resources Board, the regional development corporations, the Vermont League of Cities and Towns, statewide environmental organizations, and other interested parties in developing the report and shall summarize comments. (e) On or before December 15, 2023, the Vermont Association of Planning and Development Agencies shall submit the report to the following committees: the Senate Committees on Economic Development, Housing and General Affairs, on Government Operations, on Natural Resources and Energy, and on Transportation and the House Committees on Commerce and Economic Development, on Environment and Energy, on General and Housing, on Government Operations and Military Affairs, and on Transportation. (f) The Vermont Association of Planning and Development Agencies shall be funded in fiscal year 2023 and fiscal year 2024 for this study through the regional planning grant established in 24 V.S.A. § 4306.
15a		Sec. 15a. HOUSING RESOURCE NAVIGATOR FOR REGIONAL PLANNING COMMISSIONS (a) The Vermont Association of Planning and Development Agencies shall hire Housing Resource Navigators to work with

		municipalities, regional and local housing organizations, and private developers to identify housing opportunities, match communities with funding resources, and provide project management support. (b) The duty to implement this section is contingent upon an appropriation in fiscal year 2024 from the General Fund to the Vermont Association of Planning and Development Agencies for the purpose of hiring the Housing Navigators as described in subsection (a) of this section.
Act 250		
16	Sec. 16. 10 V.S.A. § 6001 is amended to read: § 6001. DEFINITIONS * * * (3)(A) "Development" means each of the following: * * * (iv) The construction of housing projects such as cooperatives, condominiums, or dwellings, or construction ~~or maintenance~~ of mobile homes or mobile home parks, with 10 or more units, constructed or maintained on a tract or tracts of land, owned or controlled by a person, within a radius of five miles of any point on any involved land and within any continuous period of five years. However: * * * (xi) Until July 1, 2026, the construction of housing projects such as cooperatives, condominiums, dwellings, or mobile homes, with 25 or more units, constructed or maintained on a tract or tracts of land, located entirely within a designated downtown development district, a designated neighborhood development area, or a designated growth center, owned or controlled by a person, within a radius of five miles of any point on any involved land and within any continuous period of five years. * * *	Sec. 16. 10 V.S.A. § 6001 is amended to read: § 6001. DEFINITIONS As used in this chapter: * * * (3)(A) "Development" means each of the following: * * * (iv) The construction of housing projects such as cooperatives, condominiums, or dwellings, or construction or maintenance of mobile homes or mobile home parks, with 10 or more units, constructed or maintained on a tract or tracts of land, owned or controlled by a person, within a radius of five miles of any point on any involved land and within any continuous period of five years. However: * * * (xi) Notwithstanding any other provision of law to the contrary, until July 1, 2026, the construction of housing projects such as cooperatives, condominiums, dwellings, or mobile homes, with 25 or more units, constructed or maintained on a tract or tracts of land, located entirely within a designated downtown development district, a designated neighborhood development area, a designated village center with permanent zoning and subdivision bylaws, or a designated growth center, owned or controlled by a person, within a radius of five miles of any point on any involved land and within any continuous period of five years. For purposes of this subsection, the construction of four

	(D) The word "development" does not include: * * * (viii)(I) The construction of a priority housing project in a municipality with a population of 10,000 or more. (II) If the construction of a priority housing project in this subdivision (3)(D)(viii) involves demolition of one or more buildings that are listed or eligible to be listed on the State or National Register of Historic Places, this exemption shall not apply unless the Division for Historic Preservation has made the determination described in subdivision (A)(iv)(I)(ff) of this subdivision (3) and any imposed conditions are enforceable in the manner set forth in that subdivision. (III) Notwithstanding any other provision of law to the contrary, until July 1, 2026, the construction of a priority housing project located entirely within a designated downtown development district, designated neighborhood development area, or a designated growth center. * * *	units or fewer of housing in an existing structure shall only count as one unit towards the total number of units * * * (D) The word "development" does not include: * * * (viii)(I) The construction of a priority housing project in a municipality with a population of 10,000 or more. (II) If the construction of a priority housing project in this subdivision (3)(D)(viii) involves demolition of one or more buildings that are listed or eligible to be listed on the State or National Register of Historic Places, this exemption shall not apply unless the Division for Historic Preservation has made the determination described in subdivision (A)(iv)(I)(ff) of this subdivision (3) and any imposed conditions are enforceable in the manner set forth in that subdivision. (III) Notwithstanding any other provision of law to the contrary, until July 1, 2026, the construction of a priority housing project located entirely within a designated downtown development district, designated neighborhood development area, or a designated growth center. * * *
	Sec. 16b. ACT 250 EXEMPTION REQUIREMENTS In order to qualify for the exemptions established in 10 V.S.A. § 6001 (3)(A)(xi) and (3)(D)(viii)(III) and 10 V.S.A. § 6081(y), a person shall apply for a jurisdictional opinion under 10 V.S.A. § 6007 by July 1, 2026. The jurisdictional opinion shall require the project to substantially complete construction by June 30, 2029 in order to remain exempt.	Sec. 16a. ACT 250 EXEMPTION REQUIREMENTS In order to qualify for the exemptions established in 10 V.S.A. § 6001 (3)(A)(xi) and (3)(D)(viii)(III), a person shall request a jurisdictional opinion under 10 V.S.A. § 6007 on or before June 30, 2026. The jurisdictional opinion shall require the project to substantially complete construction on or before June 30, 2029 in order to remain exempt.
	Sec. 16a. 10 V.S.A. § 6086b is amended to read: § 6086b. DOWNTOWN DEVELOPMENT; FINDINGS; MASTER PLAN PERMITS (a) Findings and conclusions. Notwithstanding any provision of this chapter to the contrary, each of the following shall apply to a development or subdivision that is completely within a downtown development district designated under 24 V.S.A.	Sec. 17. 10 V.S.A. § 6086b is amended to read: § 6086b. DOWNTOWN DEVELOPMENT; FINDINGS; MASTER PLAN PERMITS No changes

	chapter 76A and for which a permit or permit amendment would otherwise be required under this chapter: (1) In lieu of obtaining a permit or permit amendment, a person may request findings and conclusions from the District Commission, which shall approve the request if it finds that the development or subdivision will meet subdivisions 6086(a)(1) (air and water pollution), (2) (sufficient water available), (3) (burden on existing water supply), (4) (soil erosion), (5) (traffic), (8) (aesthetics, historic sites, rare and irreplaceable natural areas), (8)(A) (endangered species; necessary wildlife habitat), (9)(B) (primary agricultural soils), (9)(C) (productive forest soils), (9)(F) (energy conservation), and (9)(K) (public facilities, services, and lands) of this title. * * * (b) Master plan permits. (1) Any municipality within which a downtown development district or neighborhood development area has been formally designated pursuant to 24 V.S.A. chapter 76A may apply to the District Commission for a master plan permit for that area or any portion of that area pursuant to the rules of the Board. Municipalities making an application under this subdivision are not required to exercise ownership of or control over the affected property. (2) Subsequent development of an individual lot within the area of the master plan permit that requires a permit under this chapter shall take the form of a permit amendment. (3) In neighborhood development areas, subsequent master plan permit amendments shall only be issued for development that is housing. (4) In approving a master plan permit and amendments, the District Commission may include specific conditions that an applicant for an individual project permit shall be required to meet. (5) For a master plan permit issued pursuant to this section, an application for an amendment may use the findings issued in the master plan permit as a rebuttable presumption to comply	

	within any applicable criteria under subsection 6086(a) of this title.	
Enhanced Village Centers		
	Sec. 17. 24 V.S.A. § 2793a is amended to read: § 2793a. DESIGNATION OF VILLAGE CENTERS BY STATE BOARD * * * (e)(1) A village center designated by the State Board pursuant to subsection (a) of this section is eligible to apply to the State Board to receive an enhanced designation. This enhanced designation allows a priority housing project with 50 or fewer units located entirely within the village center to be exempt from 10 V.S.A. chapter 151. (2) To receive enhanced designation under this subsection, a village center shall have: (A) duly adopted permanent zoning and subdivision bylaws; (B) at least one of the following: municipal sewer infrastructure, a community or alternative wastewater system approved by the Agency of Natural Resources, or a public community water system; and (C) adequate municipal staff to support coordinated comprehensive and capital planning, development review, and zoning administration.	Deleted
	Sec. 17a. 10 V.S.A. § 6081 is amended to read: § 6081. PERMITS REQUIRED; EXEMPTIONS * * * (y) Notwithstanding any other provision of law to the contrary, until July 1, 2026, no permit or permit amendment is required for a priority housing project with 50 or fewer units that is located entirely within a village center that has received enhanced designation under 24 V.S.A. § 2793a(e).	Deleted
	Sec. 17b. 24 V.S.A. § 2793e is amended to read: § 2793e. NEIGHBORHOOD PLANNING AREAS; DESIGNATION OF	Deleted

	NEIGHBORHOOD DEVELOPMENT AREAS * * * (c) Application for designation of a neighborhood development area. The State Board shall approve a neighborhood development area if the application demonstrates and includes all of the following elements: * * * (6) The neighborhood development area is served by at least one of the following: (A) municipal sewer infrastructure; (B) a community or alternative wastewater system approved by the Agency of Natural Resources; or (C) a public community water system. * * *	
		Sec. 18. 10 V.S.A. § 6083a is amended to read: § 6083a. ACT 250 FEES (a) All applicants for a land use permit under section 6086 of this title shall be directly responsible for the costs involved in the publication of notice in a newspaper of general circulation in the area of the proposed development or subdivision and the costs incurred in recording any permit or permit amendment in the land records. In addition, applicants shall be subject to each of the following fees for the purpose of compensating the State of Vermont for the direct and indirect costs incurred with respect to the administration of the Act 250 program: (1) For applications for projects involving construction, $6.65 for each $1,000.00 of the first $15,000,000.00 of construction costs, and $3.12 for each $1,000.00 of construction costs above $15,000,000.00. An additional $0.75 for each $1,000.00 of the first $15,000,000.00 of construction costs shall be paid to the Agency of ~~National~~ Natural Resources to account for the Agency of Natural Resources' review of Act 250 applications. (2) For applications for projects involving the creation of lots, $125.00 for each lot. (3) For applications for projects involving exploration for or removal of oil, gas, and fissionable source materials, a fee as determined under subdivision (1) of this subsection or $1,000.00

		for each day of Commission hearings required for such projects, whichever is greater. (4) For applications for projects involving the extraction of earth resources, including sand, gravel, peat, topsoil, crushed stone, or quarried material, the greater of: a fee as determined under subdivision (1) of this subsection; or a fee equivalent to the rate of $0.02 per cubic yard of the first million cubic yards of the total volume of earth resources to be extracted over the life of the permit, and $.01 per cubic yard of any such earth resource extraction above one million cubic yards. Extracted material that is not sold or does not otherwise enter the commercial marketplace shall not be subject to the fee. The fee assessed under this subdivision for an amendment to a permit shall be based solely upon any additional volume of earth resources to be extracted under the amendment. (5) For applications for projects involving the review of a master plan, a fee equivalent to $0.10 per $1,000.00 of total estimated construction costs in current dollars in addition to the fee established in subdivision (1) of this subsection for any portion of the project seeking construction approval. ~~(6) In no event shall a permit application fee exceed $165,000.00.~~ (b) Notwithstanding the provisions of subsection (a) of this section, there shall be a minimum fee of $187.50 for original applications and $62.50 for amendment applications, in addition to publication and recording costs. These costs shall be in addition to any other fee established by statute, unless otherwise expressly stated. In addition, in no event shall the fee for an individual permit or permit amendment application, including each individual permit or permit amendment application seeking approval for any portion of a project involving a master plan, exceed $165,000.00. * * *
		Sec. 18a. REPORT; ACT 250 MUNICIPAL DELEGATION (a) The Vermont Association of Planning and Development Agencies, in consultation with the Natural Resources Board, shall develop a proposed framework for delegating administration of Act 250 permits to municipalities. They shall consult with other

		relevant stakeholders, including those with experience issuing Act 250 permits under 10 V.S.A. chapter 151, environmental organizations, State agencies, and municipal planning and zoning officials. Each regional planning commission shall hold one public meeting on the framework. (b) On or before December 31, 2023, the Vermont Association of Planning and Development Agencies shall report to the House Committee on Environment and Energy and the Senate Committee on Natural Resources and Energy on the proposed framework to delegate Act 250 permit administration to municipalities.
	Sec. 17c. 2022 Acts and Resolves No. 182, Sec. 41 is amended to read: Sec. 41. REPORT; NATURAL RESOURCES BOARD (a) On or before December 31, 2023, the Chair of the Natural Resources Board shall report to the House Committees on Natural Resources, Fish, and Wildlife and on Ways and Means and the Senate Committees on Finance and on Natural Resources and Energy on necessary updates to the Act 250 program. (b) The report shall include: (1) How to transition to a system in which Act 250 jurisdiction is based on location, which shall encourage development in designated areas, the maintenance of intact rural working lands, and the protection of natural resources of statewide significance, including biodiversity. Location-based jurisdiction would adjust the threshold for Act 250 jurisdiction based on the characteristics of the location. This section of the report shall consider whether to develop thresholds and tiers of jurisdiction as recommended in the Commission on Act 250: the Next 50 Years Report. (2) How to use the Capability and Development Plan to meet the statewide planning goals. (3) An assessment of the current level of staffing of the Board and District Commissions, including whether there should be a district coordinator located in every district.	Sec. 19. 2022 Acts and Resolves No. 182, Sec. 41 is amended to read: Sec. 41. REPORT; NATURAL RESOURCES BOARD (a) On or before December 31, 2023, the Chair of the Natural Resources Board shall report to the House Committees on ~~Natural Resources, Fish, and Wildlife~~ Environment and Energy and on Ways and Means and the Senate Committees on Finance and on Natural Resources and Energy on necessary updates to the Act 250 program. (b) The report shall include: (1) How to transition to a system in which Act 250 jurisdiction is based on location, which shall encourage development in designated areas~~,~~; the maintenance of intact rural working lands~~,~~; and the protection of natural resources of statewide significance, including biodiversity. Location-based jurisdiction would adjust the threshold for Act 250 jurisdiction based on the characteristics of the location. This section of the report shall consider whether to develop thresholds and tiers of jurisdiction as recommended in the Commission on Act 250: the Next 50 Years Report. (2) How to use the Capability and Development Plan to meet the statewide planning goals. (3) An assessment of the current level of staffing of the Board and District Commissions, including whether there should be a district coordinator located in every district.

	(4) Whether the permit fees are sufficient to cover the costs of the program and, if not, a recommendation for a source of revenue to supplement the fees. (5) Whether the permit fees are effective in providing appropriate incentives. (6) Whether the Board should be able to assess its costs on applicants. (7) 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.	(4) Whether the permit fees are sufficient to cover the costs of the program and, if not, a recommendation for a source of revenue to supplement the fees. (5) Whether the permit fees are effective in providing appropriate incentives. (6) Whether the Board should be able to assess its costs on applicants. (7) 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.
		Sec. 19a. 2022 Acts and Resolves No. 182, Sec. 40 is amended to read: Sec. 40. DESIGNATED AREA REPORT; APPROPRIATION * * * (3) On or before ~~July 15, 2023,~~ December 31, 2023, the consultant shall submit a written report to the General Assembly with its findings and any recommendations for legislative action.
Enhanced Designation		
	Sec. 18. 10 V.S.A. § 6081 is amended to read: § 6081. PERMITS REQUIRED; EXEMPTIONS * * * (z) No permit or permit amendment is required for any subdivision or development located in an enhanced designation area. If the enhanced designation is terminated, a development or subdivision within the designated center must receive a permit, if applicable.	Deleted
	Sec. 19. 24 V.S.A. § 2793f is added to read: § 2793f. ENHANCED DESIGNATION (a) Application and approval. A municipality, by resolution of its legislative body, may apply to the Natural Resources Board for an enhanced designation for any designated area. The Natural	Deleted

	Resources Board shall issue an affirmative determination on finding that the municipality meets the requirements of subsection (c) of this section. (b) Enhanced designation requirements. To obtain an enhanced designation under this section, a municipality must demonstrate that it has each of the following: (1) an approved designated area; (2) municipal bylaws that are identical or are determined to be consistent with the model bylaws written by the Natural Resources Board pursuant to subsection (f) of this section; (3) municipal bylaws that do not include broad exemptions excluding significant private or public land development from requiring a municipal land use permit; and (4) adequate municipal staff to support coordinated comprehensive and capital planning, development review, and zoning administration. (c) Process for issuing enhanced designation. (1) A preapplication meeting shall be held with Department staff to review the program requirements. The meeting shall be held in the municipality unless another location is agreed to by the municipality. (2) An application by the municipality shall include the information and analysis required by the Department's guidelines established pursuant to section 2792 of this title on how to meet the requirements of subsection (b) of this section. (3) The Department shall establish a procedure for submission of a draft application that involves review and comment by all the parties to be noticed in subdivision (4)(A) of this subsection and shall issue a preapplication memo incorporating the comments to the applicant after receipt of a draft preliminary application. (4) After receipt of a complete final application, the Natural Resources Board shall convene a public hearing in the municipality to consider whether to issue a determination of enhanced designation under this section. (A) Notice.	

	(i) At least 35 days in advance of the Natural Resources Board's meeting, the Department shall provide notice to the municipality and post it on the Agency's website. (ii) The municipality shall publish notice of the meeting at least 30 days in advance of the Natural Resources Board's meeting in a newspaper of general circulation in the municipality, and deliver physically or electronically, with proof of receipt or by certified mail, return receipt requested to the Agency of Natural Resources; the State Downtown Board; the Division for Historic Preservation; the Agency of Agriculture, Food and Markets; the Agency of Transportation; the regional planning commission; the regional development corporations; and the entities providing educational, police, and fire services to the municipality. (iii) The notice shall also be posted by the municipality in or near the municipal clerk's office and in at least two other designated public places in the municipality and on the websites of the municipality and the Agency of Commerce and Community Development. (iv) The municipality shall also certify in writing that the notice required by subdivision (4)(A) of this subsection (c) has been published, delivered, and posted within the specified time. (B) No defect in the form or substance of any requirements of this subsection (c) shall invalidate the action of the Natural Resources Board where reasonable efforts are made to provide adequate posting and notice. However, the action shall be invalid when the defective posting or notice was materially misleading in content. If an action is ruled to be invalid by the Superior Court or by the Natural Resources Board itself, the Department shall provide and the municipality shall issue new posting and notice, and the Board shall hold a new hearing and take a new action. (5) The Natural Resources Board may recess the proceedings on any application pending submission of additional information. The Board shall close the proceedings promptly after all parties have submitted the requested information.	

	(6) The Board shall issue its determination in writing. The determination shall include explicit findings on each of the requirements in subsection (b) of this section. (d) Review of enhanced designation status. (1) Initial determination of an enhanced designation may be made at any time. Thereafter, review of the enhanced designation shall be concurrent with the next periodic review of the underlying designated area. (2) The Natural Resources Board, on its motion, may review compliance with the enhanced designation requirements at more frequent intervals. (3) If at any time the Board determines that the enhanced designation area no longer meets the standards for the designation, it shall take one of the following actions: (A) require corrective action within a reasonable time frame; or (B) terminate the enhanced designation. (4) If the underlying designation is terminated, the enhanced designation also shall terminate. (e) Appeal. (1) An interested person may appeal any act or decision of the Board under this section to the Environmental Division of the Superior Court within 30 days following the act or decision. (2) As used in this section, an "interested person" means any one of the following: (A) a person owning a title to or occupying property within or abutting the designated area; (B) the municipality making the application or a municipality that adjoins the municipality making the application; and (C) the regional planning commission for the region that includes the designated area or a regional planning commission whose region adjoins the municipality in which the designated center is located. (f) Model bylaws. The Natural Resources Board shall publish model bylaws that may be adopted by a municipality seeking an	

	enhanced designation. These bylaws shall address all Act 250 criteria provided for in 10 V.S.A. § 6086(a)(1)–(10).	
	Sec. 20. 10 V.S.A. § 6001(45) is added to read: (45) "Enhanced designation" means the process by which a designated area demonstrates that it has satisfied the requirements of 24 V.S.A. § 2793f. The term shall also refer to the resulting status.	Deleted
	Sec. 21. ENHANCED DESIGNATION BYLAW ADOPTION On or before January 1, 2024, the Natural Resources Board shall publish model bylaws that a municipality may adopt in order to achieve an enhanced designation. These bylaws shall encompass all of the Act 250 criteria found in 10 V.S.A. § 6086(a)(1)–(10).	Deleted
		Sec. 19b. 10 V.S.A. § 6081(y) is added to read: (y) No permit or permit amendment is required for a retail electric distribution utility's rebuilding of existing electrical distribution lines and related facilities to improve reliability and service to existing customers, through overhead or underground lines in an existing corridor, road, or State or town road right-of-way. Nothing in this section shall be interpreted to exempt projects under this subsection from other required permits or the conditions on lands subject to existing permits required by this section.
		Sec. 19c. EXEMPTION REPEAL 10 V.S.A. § 6081(y) is repealed on January 1, 2026.
		Sec. 19d. ELECTRIC DISTRIBUTION UTILITY PROJECT REPORT On or before January 15, 2024, and annually until 2026, any distribution utility that takes an action exempt under 10 V.S.A. § 6081(y) shall report to the House Committee on Environment and Energy and the Senate Committees on Finance and on Natural Resources and Energy on the projects completed pursuant to that exemption in the preceding year. The report shall address: the

		location of the projects, including whether it is located in a "1-acre town" or a "10-acre town"; how many customers are affected by the project; whether the project involved lines being hardened in place, buried underground, or relocated to the right-of-way; and what permits the projects were required to receive.
Covenants		
	Sec. 22. 27 V.S.A. § 545 is amended to read: § 545. COVENANTS, CONDITIONS, AND RESTRICTIONS OF SUBSTANTIAL PUBLIC INTEREST (a) Deed restrictions, covenants, or similar binding agreements added after March 1, 2021 that prohibit or have the effect of prohibiting land development allowed under 24 V.S.A. § 4412(1)(E) and (2)(A) shall not be valid. (b) Deed restrictions or covenants added after July 1, 2023 shall not be valid if they require a minimum dwelling unit size on the property or more than one parking space per dwelling unit. (c) This section shall not affect the enforceability of any property interest held in whole or in part by a qualified organization or State agency as defined in 10 V.S.A. § 6301a, including any restrictive easements, such as conservation easements and historic preservation rights and interests defined in 10 V.S.A. § 822. This section shall not affect the enforceability of any property interest that is restricted by a housing subsidy covenant as defined by section 610 of this title and held in whole or in part by an eligible applicant as defined in 10 V.S.A. § 303(4) or the Vermont Housing Finance Agency.	Sec. 20. 27 V.S.A. § 545 is amended to read: § 545. COVENANTS, CONDITIONS, AND RESTRICTIONS OF SUBSTANTIAL PUBLIC INTEREST (a) Deed restrictions, covenants, or similar binding agreements added after March 1, 2021 that prohibit or have the effect of prohibiting land development allowed under 24 V.S.A. § 4412(1)(E) and (2)(A) shall not be valid. (b) Deed restrictions or covenants added after July 1, 2023 shall not be valid if they require a minimum dwelling unit size on the property or more than one parking space per dwelling unit if the property is located in an area served by municipal sewer and water infrastructure as defined in 24 V.S.A. § 4303 that allows residential uses or more than 1.5 parking spaces for duplexes and multi-unit dwellings in areas not served by sewer and water and in areas that are located more than one-quarter mile away from public parking rounded up to the nearest whole number when calculating the total number of spaces. (c) This section shall not affect the enforceability of any property interest held in whole or in part by a qualified organization or State agency as defined in 10 V.S.A. § 6301a, including any restrictive easements, such as conservation easements and historic preservation rights and interests defined in 10 V.S.A. § 822. This section shall not affect the enforceability of any property interest that is restricted by a housing subsidy covenant as defined by section 610 of this title and held in whole or in part by an eligible applicant as defined in 10 V.S.A. § 303(4) or the Vermont Housing Finance Agency.

Road Disclosure		
	Sec. 23. 27 V.S.A. § 617 is added to read: § 617. DISCLOSURE OF CLASS 4 ROAD (a) Disclosure of maintenance on class 4 highway. Any property owner who sells property located on a class 4 highway or legal trail shall disclose to the buyer that the municipality is not required to maintain the highway or trail as described in 19 V.S.A. § 310. (b) Marketability of title. Noncompliance with the requirements of this section shall not affect the marketability of title of a property.	Sec. 21. 27 V.S.A. § 617 is added to read: No changes
	Sec. 24. FINDINGS The General Assembly finds that: (1) Vermont established the Residential Building Energy Standards (RBES) in 1997 and the Commercial Building Energy Standards (CBES) in 2007. The Public Service Department is responsible for adopting and updating these codes regularly but does not have the capacity to administer or enforce them. (2) The RBES and CBES are mandatory, but while municipalities with building departments handle some aspects of review and inspection, there is no State agency or office designated to interpret, administer, and enforce them. (3) The Division of Fire Safety in the Department of Public Safety is responsible for development, administration, and enforcement of building codes but does not currently have expertise or capacity to add administration or enforcement of energy codes in buildings. (4) Studies in recent years show compliance with the RBES at about 54 percent and CBES at about 87 percent, with both rates declining. Both codes are scheduled to become more stringent with the goal of "net-zero ready" by 2030. (5) In December 2022, the U.S. Department of Energy issued the Bipartisan Infrastructure Law: Resilient and Efficient Codes Implementation Funding Opportunity Announcement. The first $45 million of a five-year $225 million program is available	Sec. 22. FINDINGS No changes

	in 2023. Vermont's increased code compliance plans should include contingencies for this potential funding.	
	Building Energy Code Study Committee	
	Sec. 25. ENERGY CODE COMPLIANCE; STUDY COMMITTEE (a) Creation. There is created the Building Energy Code Study Committee to recommend strategies for increasing compliance with the Residential Building Energy Standards (RBES) and Commercial Building Energy Standards (CBES). (b) Membership. The Committee shall have 15 members with applicable expertise, to include program design and implementation, building code administration and enforcement, and Vermont's construction industry. The Speaker of the House shall appoint three members, including up to one legislator. The Committee on Committees shall appoint two members, including up to one legislator. The remaining members shall be the following: (1) the Commissioner of Public Service, or designee; (2) the Director of Fire Safety, or designee; (3) a representative of Efficiency Vermont; (4) a representative of American Institute of Architects–Vermont; (5) a representative of the Vermont Builders and Remodelers Association; (6) a representative the Burlington Electric Department; (7) a representative of Vermont Gas Systems; (8) a representative of the Association of General Contractors of Vermont; (9) a representative of the Vermont League of Cities and Towns; and (10) a representative from a regional planning commission. (c) Powers and duties. The Committee shall consider and recommend strategies to increase awareness of and compliance with the RBES and CBES, including designation of the Division of Fire Safety (DFS) in the Department of Public Safety as the statewide authority having jurisdiction for administration,	Sec. 23. ENERGY CODE COMPLIANCE; STUDY COMMITTEE (a) Creation. There is created the Building Energy Code Study Committee to recommend strategies for increasing compliance with the Residential Building Energy Standards (RBES) and Commercial Building Energy Standards (CBES). (b) Membership. The Committee shall have 15 members with applicable expertise, to include program design and implementation, building code administration and enforcement, and Vermont's construction industry. The Speaker of the House shall appoint three members, including up to one legislator. The Committee on Committees shall appoint two members, including up to one legislator. The remaining members shall be the following: (1) the Commissioner of Public Service or designee; (2) the Director of Fire Safety or designee; (3) a representative of Efficiency Vermont; (4) a representative of American Institute of Architects–Vermont; (5) a representative of the Vermont Builders and Remodelers Association; (6) a representative the Burlington Electric Department; (7) a representative of Vermont Gas Systems; (8) a representative of the Association of General Contractors of Vermont; (9) a representative of the Vermont League of Cities and Towns; and (10) a representative from a regional planning commission. (c) Powers and duties. The Committee shall: (1) consider and recommend strategies to increase awareness of and compliance with the RBES and CBES, including the potential designation of the Division of Fire Safety (DFS) in the Department of Public Safety as the statewide authority having

	interpretation, and enforcement, in conjunction with DFS' existing jurisdiction, over building codes.	jurisdiction for administration, interpretation, and enforcement, in conjunction with DFS' existing jurisdiction, over building codes; (2) evaluate current cost-effectiveness analyses for the RBES and the CBES, whether they include or should include nonenergy benefits such as public health benefits and the cost of carbon, and how that impacts the affordability of housing projects and provide recommendations; and (3) assess how the building energy codes interact with the fire and building safety codes.
	(d) Assistance. The Committee shall have the administrative, technical, and legal assistance of the Department of Public Service. The Department shall hire a third-party consultant to assist and staff the Committee which may be funded by monies appropriated by the General Assembly or any grant funding received. (e) Report. On or before December 1, 2023, the Committee shall submit a written report to the General Assembly with its findings and recommendations for legislative action. (f) Meetings. (1) The Department of Public Service shall call the first meeting of the Committee to occur on or before July 15, 2023. (2) The Committee shall elect a chair from among its members at the first meeting. (3) A majority of the membership shall constitute a quorum. (4) The final meeting shall be held on or before October 31, 2023. The Committee shall cease to exist on December 1, 2023. (g) Compensation and reimbursement. (1) For attendance at meetings during adjournment of the General Assembly, a legislative member of the Committee serving in the legislator's capacity as a legislator shall be entitled to per diem compensation and reimbursement of expenses pursuant to 2 V.S.A. § 23 for not more than six meetings. (2) Other members of the Committee who are not otherwise compensated by their employer shall be entitled to per diem compensation and reimbursement of expenses as permitted under 32 V.S.A. § 1010 for not more than six meetings.	(d) Assistance. The Committee shall have the administrative, technical, and legal assistance of the Department of Public Service. The Department shall hire a third-party consultant to assist and staff the Committee, which may be funded by monies appropriated by the General Assembly or any grant funding received. (e) Report. On or before December 1, 2023, the Committee shall submit a written report to the General Assembly with its findings and recommendations for legislative action. (f) Meetings. (1) The Department of Public Service shall call the first meeting of the Committee to occur on or before July 15, 2023. (2) The Committee shall elect a chair from among its members at the first meeting. (3) A majority of the membership shall constitute a quorum. (4) The final meeting shall be held on or before October 31, 2023. The Committee shall cease to exist on December 1, 2023. (g) Compensation and reimbursement. (1) For attendance at meetings during adjournment of the General Assembly, a legislative member of the Committee serving in the legislator's capacity as a legislator shall be entitled to per diem compensation and reimbursement of expenses pursuant to 2 V.S.A. § 23 for not more than six meetings. (2) Other members of the Committee who are not otherwise compensated by their employer shall be entitled to per diem compensation and reimbursement of expenses as permitted under 32 V.S.A. § 1010 for not more than six meetings.

	(3) The payments under this subsection (g) shall be made from monies appropriated by the General Assembly or any grant funding received.	(3) The payments under this subsection (g) shall be made from monies appropriated by the General Assembly or any grant funding received.
		Sec. 24. RURAL RECOVERY COORDINATION COUNCIL (a) Goals. 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. (b) Purposes. The Council shall consider and identify strategies to: (1) prioritize areas of investment into Vermont's rural communities in order to ensure necessary resources to meet Vermont's climate goals, rural community development objectives, and environmental sustainability requirements; (2) build long-term emergency and disaster preparedness and recovery; (3) ensure intergovernmental and regional communications and coordination; and (4) improve access to technical assistance and support from regional and statewide agencies and programs. (c) Powers and duties. The Council shall identify structural changes and improve coordination across all levels of government to support rural community development, including addressing the following issues: (1) a permanent structure for ensuring rural community development programming within State government; (2) how to better include rural voices in regional collaboration and prioritization projects; (3) how municipal, regional, and State plans, policies, and investments can be integrated and mutually supportive; (4) where to establish an office of Rural Community Development and how long the office should be authorized for; and (5) how to support capacity at the municipal level and how to support multitown coordination and collaboration.

		(d) Report. On or before December 15, 2023, the Council shall report to the General Assembly and to the Agency of Administration with its findings, recommendations, and draft legislation. (e) Members. The Council shall comprise the following members: (1) the Vermont Chief Performance Officer or designee; (2) the Secretary of Commerce and Community Development or designee; (3) the Commissioner of Public Service or designee; (4) the Secretary of Transportation or designee; (5) the Director of Racial Equity or designee; (6) one or more representatives from the regional planning commissions appointed by the Vermont Association of Planning and Development Agencies; (7) one or more representatives from the regional development corporations appointed by the Regional Development Corporations of Vermont; (8) the Executive Director of the Vermont League of Cities and Towns or designee; (9) a member, appointed by the Vermont Communications Union Districts Association; (10) the Secretary of Natural Resources or designee; (11) a member, appointed by the University of Vermont Office of Engagement; (12) a member, appointed by the Vermont Housing and Conservation Board; (13) a member of the House of Representatives, appointed by the Speaker of the House; and (14) a member of the Senate, appointed by the Committee on Committees. (f) Compensation and reimbursement. (1) For attendance at meetings during adjournment of the General Assembly, a legislative member of the Council shall be entitled to per diem compensation and reimbursement of expenses pursuant to 2 V.S.A. § 23.

		(2) Other members of the Council shall be entitled to per diem compensation and reimbursement of expenses as permitted under 32 V.S.A. § 1010. (g) Meetings; administration. (1) The Council shall meet at least five times and take testimony from a variety of stakeholders, including from representatives from municipalities of variety of sizes and from those with experience in state land use planning, regional planning, municipal planning, economic planning, or strategic planning. (2) The Vermont Council on Rural Development shall convene the first meeting the Rural Recovery Coordination Council, facilitate the meetings, and provide administrative support. (3) The Committee shall cease to exist on March 31, 2024. (h) The duty to implement this section is contingent upon an appropriation in fiscal year 2024 from the General Fund to the Agency of Commerce and Community Development to provide funding for the Council as follows: (1) an appropriation to the Vermont Council on Rural Development to convene meetings of the Council and provide administrative and policy support; and (2) an appropriation to provide per diem compensation and reimbursement of expenses for members of the Council.

		Sec. 25. ANR REVIEW OF PERMITTING OF POTABLE WATER AND WASTEWATER CONNECTION PERMITS (a) The Agency of Natural Resources (ANR) shall review the statutory requirements, regulatory requirements, and ANR processes governing ANR's issuance of potable water and wastewater connection permits in order to identify approaches for reducing the administrative burden and costs incurred by municipalities and permit applicants. In conducting its review, ANR shall consult with the Agency of Commerce and Community Development, representatives of municipalities, professional engineers and licensed designers, and environmental organizations regarding alternatives for improving permitting of potable water and wastewater connections. (b) In conducting the review required by this section, ANR shall: (1) review and analyze the permitting standards and permit processes for potable water and wastewater connections in other jurisdictions; (2) identify any State permitting requirements or ANR processes that may be duplicated under State and local permits and propose how to eliminate such redundancies; (3) assess how to simplify and expedite the permitting process for potable water and wastewater connection permits; (4) identify data and document sharing and management solutions for potable water and wastewater connections connection permits, including how to make municipal and State permits available to the public in an electronic format or on a statewide platform; and (5) propose revised criteria for the issuance of potable water and wastewater connections connection permits, including criteria to address public interest, public health and safety, and environmental impacts of connections. (c) ANR shall complete the review required by this section on or before July 1, 2025. The Agency is authorized to implement or revise any permitting processes or criteria that do not require or conflict with statutory or regulatory authority. On or before

		January 31, 2025, the Agency shall present to the House Committee on Environment and Energy and the Senate Committee on Natural Resources and Energy a written report or oral testimony on the status of the review required under this section, including potential recommended statutory or regulatory changes.
Effective Dates		
	Sec. 44. EFFECTIVE DATES This act shall take effect on July 1, 2023, except that Secs. 1 (24 V.S.A. § 4414), 2 (24 V.S.A. § 4412) except for subdivision (D), 3 (24 V.S.A. § 4413), and 4 (24 V.S.A. § 4303) shall take effect on December 1, 2024 and Secs. 18–20 (enhanced designation) shall take effect on January 1, 2024.	Sec. 47. EFFECTIVE DATES This act shall take effect on July 1, 2023, except that: (1) Secs. 1 (24 V.S.A. § 4414), 2 (24 V.S.A. § 4412) except for subdivision (1)(D), and 3 (24 V.S.A. § 4413) shall take effect on December 1, 2024. (2) Sec. 46 (lead inspectors) shall take effect on passage.