

1 S.127

2 An act relating to housing and housing development

3 It is hereby enacted by the General Assembly of the State of Vermont:

4 * * * Vermont Rental Housing Improvement Program * * *

5 Sec. 1. 10 V.S.A. § 699 is amended to read:

6 § 699. VERMONT RENTAL HOUSING IMPROVEMENT PROGRAM

7 (a) Creation of Program.

8 * * *

9 (5)(A) The Department may cooperate with and subgrant funds to State
10 agencies and governmental subdivisions and public and private organizations
11 in order to carry out the purposes of this ~~subsection~~ section.

12 (B) Solely with regards to actions undertaken pursuant to this
13 subdivision (5), entities carrying out the provisions of this section, including
14 grantees, subgrantees, and contractors of the State, shall be exempt from the
15 provisions of 8 V.S.A. chapter 73 (licensed lenders, mortgage brokers,
16 mortgage loan originators, sales finance companies, and loan solicitation
17 companies).

18 * * *

19 (d) Program requirements applicable to grants and forgivable loans.

20 (1)(A) A grant or loan shall not exceed:

1 ~~(i) \$70,000.00 per unit, for rehabilitation or creation of an eligible~~
2 ~~rental housing unit meeting the applicable building accessibility requirements~~
3 ~~under the Vermont Access Rules; or~~

4 (ii) \$50,000.00 per unit, for rehabilitation or creation of any other
5 eligible rental housing unit. Up to an additional \$20,000.00 per unit may be
6 made available for specific elements that collectively bring the unit to the
7 visitable standard outlined in the rules adopted by the Vermont Access Board.

8 * * *

9 (e) Program requirements applicable to grants and five-year forgivable
10 loans. For a grant or five-year forgivable loan awarded through the Program,
11 the following requirements apply for a minimum period of five years:

12 (1) A landlord shall coordinate with nonprofit housing partners and local
13 ~~coordinated entry~~ homelessness service organizations approved by the
14 Department to identify potential tenants.

15 (2)(A) Except as provided in subdivision ~~(2)(B)~~ of this ~~subsection~~
16 subdivision (e)(2), a landlord shall lease the unit to a household that is:

17 (i) exiting homelessness, including any individual under 25 years
18 of age who secures housing through a master lease held by a youth service
19 provider on behalf of individuals under 25 years of age;

20 (ii) actively working with an immigrant or refugee resettlement
21 program; ~~or~~

1 (iii) composed of at least one individual with a disability who
2 ~~receives or is eligible~~ approved to receive Medicaid-funded ~~home- and~~
3 ~~community-based home- and community-based~~ services or Social Security
4 Disability Insurance;

5 (iv) displaced due to a natural disaster; or

6 (v) with approval from the Department in writing, an organization
7 that will hold a master lease that explicitly states the unit will be used in
8 service of the populations described in this subsection (e).

9 * * *

10 (4)(A) A landlord may convert a grant to a forgivable loan upon
11 approval of the Department and the housing organization that approved the
12 grant.

13 (B) A landlord who converts a grant to a forgivable loan shall receive
14 a ~~10-percent~~ prorated credit for loan forgiveness for each year in which the
15 landlord participates in the Program.

16 (f) Requirements applicable to 10-year forgivable loans. For a 10-year
17 forgivable loan awarded through the Program, the following requirements
18 apply for a minimum period of 10 years:

19 (1) ~~A landlord shall coordinate with nonprofit housing partners and local~~
20 ~~coordinated entry organizations to identify potential tenants~~ The total cost of
21 rent for the unit, including utilities not covered by rent payments, shall not

1 exceed the applicable fair market rent established by the Department of
2 Housing and Urban Development, except that a landlord may accept a housing
3 voucher that exceeds fair market rent, if available.

4 ~~(2)(A) Except as provided in subdivision (2)(B) of this subsection (f), a~~
5 ~~landlord shall lease the unit to a household that is:~~

6 ~~(i) exiting homelessness, including any individual under 25 years~~
7 ~~of age who secures housing through a master lease held by a youth service~~
8 ~~provider on behalf of individuals under 25 years of age;~~

9 ~~(ii) actively working with an immigrant or refugee resettlement~~
10 ~~program; or~~

11 ~~(iii) composed of at least one individual with a disability who is~~
12 ~~eligible to receive Medicaid-funded home and community-based services.~~

13 ~~(B) If, upon petition of the landlord, the Department or the housing~~
14 ~~organization that issued the grant determines that a household under~~
15 ~~subdivision (2)(A) of this subsection (f) is not available to lease the unit, then~~
16 ~~the landlord shall lease the unit:~~

17 ~~(i) to a household with an income equal to or less than 80 percent~~
18 ~~of area median income; or~~

19 ~~(ii) if such a household is unavailable, to another household with~~
20 ~~the approval of the Department or housing organization.~~

1 ~~(3)(A)~~ A landlord shall accept any housing vouchers that are available to
2 pay all, or a portion of, the tenant's rent and utilities.

3 ~~(B) If no housing voucher or federal or State subsidy is available, the~~
4 ~~cost of rent for the unit, including utilities not covered by rent payments, shall~~
5 ~~not exceed the applicable fair market rent established by the Department of~~
6 ~~Housing and Urban Development.~~

7 ~~(4)(3)~~ The Department shall forgive ~~40 percent of the~~ a prorated amount
8 of a forgivable loan for each year a landlord participates in the loan program.

9 (g) Minimum funding for grants and five-year forgivable loans.

10 (1) Annually, the Department shall establish a minimum allocation of
11 funding set aside to be used for five-year grants or forgivable loans to serve
12 eligible households pursuant to subsection (e) of this section. Remaining funds
13 may be used for either five-year grants or forgivable loans or 10-year
14 forgivable loans pursuant to subsection (f) of this section. The set aside shall
15 be a minimum of 30 percent of funds disbursed annually.

16 (2) The Department shall consult with the Agency of Human Services to
17 evaluate factors in establishing the amount of the set aside, including:

18 (A) the availability of housing vouchers;

19 (B) the current need for housing for eligible households;

20 (C) the ability and desire of landlords to house eligible households;

21 (D) the support services available for landlords; and

1 (1) separately, the number of units funded and the number of units
2 rehabilitated through grants, through a five-year forgivable loan, and through a
3 10-year forgivable loan;

4 (2) for grants and five-year forgivable loans, for the first year after the
5 expiration of the lease requirements outlined in subdivision (e)(2)(A) of this
6 section, whether the unit is still occupied by a tenant who meets the
7 qualifications of that subdivision;

8 (3) for each program, for the first year after the expiration of the
9 applicable lease requirements outlined in this section, the amount of rent
10 charged by the landlord and how that rent compares to fair market rent
11 established by the Department of Housing and Urban Development; and

12 (4) the rate of turnover for tenants housed utilizing grants or five-year
13 forgivable loans and 10-year forgivable loans separately.

14 * * * MHIR * * *

15 Sec. 2. 10 V.S.A. § 700 is added to read:

16 § 700. VERMONT MANUFACTURED HOME IMPROVEMENT AND
17 REPAIR PROGRAM

18 (a) There is created within the Department of Housing and Community
19 Development the Manufactured Home Improvement and Repair Program. The
20 Department shall design and implement the Program to award funding to
21 statewide or regional nonprofit housing organizations, or both, to provide

1 financial assistance or awards to manufactured homeowners and manufactured
2 home park owners to improve existing homes, incentivize new slab placement
3 for prospective homeowners, and incentivize park improvements for infill of
4 more homes.

5 (b) The following projects are eligible for funding through the Program:

6 (1) The Department may award up to \$20,000.00 to owners of
7 manufactured housing communities to complete small-scale capital needs to
8 help infill vacant lots with homes, including disposal of abandoned homes, lot
9 grading and preparation, the siting and upgrading of electrical boxes,
10 enhancing E-911 safety issues, transporting homes out of flood zones, and
11 improving individual septic systems. Costs awarded under this subdivision
12 may also cover legal fees and marketing to help make it easier for home-
13 seekers to find vacant lots around the State.

14 (2) The Department may award funding to manufactured homeowners
15 for which the home is their primary residence to address habitability and
16 accessibility issues to bring the home into compliance with safe living
17 conditions.

18 (3) The Department may award up to \$15,000.00 per grant to a
19 homeowner to pay for a foundation or federal Department of Housing and
20 Urban Development-approved slab, site preparation, skirting, tie-downs, and
21 utility connections on vacant lots within a manufactured home community.

1 (c) The Department may adopt rules, policies, and guidelines to aid in
2 enacting the Program.

3 * * * Vermont Infrastructure Sustainability Fund * * *

4 Sec. 3. 24 V.S.A. chapter 119, subchapter 6 is amended to read:

5 Subchapter 6. Special Funds

6 * * *

7 § 4686. VERMONT INFRASTRUCTURE SUSTAINABILITY FUND

8 (a) Creation. There is created the Vermont Infrastructure Sustainability
9 Fund within the Vermont Bond Bank.

10 (b) Purpose. The purpose of the Fund is to provide capital to extend and
11 increase capacity of water and sewer service and other public infrastructure in
12 municipalities where lack of extension or capacity is a barrier to housing
13 development.

14 (c) Administration. The Vermont Bond Bank may administer the Fund in
15 coordination with and support from other State agencies, government
16 component parts, and quasi-governmental agencies.

17 (d) Program parameters.

18 (1) The Vermont Bond Bank, in consultation with the Department of
19 Housing and Community Development, shall develop program guidelines to
20 effectively implement the Fund.

1 (2) The program shall provide low-interest loans or purchase bonds
2 from municipalities to expand infrastructure capacity. Eligible activities
3 include:

4 (A) preliminary engineering and planning;

5 (B) engineering design and bid specifications;

6 (C) construction for municipal water and wastewater systems;

7 (D) transportation investments, including those required by municipal
8 regulation, the municipality's official map, designation requirements, or other
9 planning or engineering identifying complete streets and transportation and
10 transit related improvements, including improvements to existing streets; and

11 (E) other eligible activities as determined by the guidelines produced
12 by the Vermont Bond Bank in consultation with the Department of Housing
13 and Community Development.

14 (e) Application requirements. Eligible project applications shall
15 demonstrate:

16 (1) the project will create reserve capacity necessary for new housing
17 unit development;

18 (2) the project has a direct link to housing unit production; and

19 (3) the municipality has a commitment to own and operate the project
20 throughout its useful life.

1 (f) Application criteria. In addition to any criteria developed in the
2 program guidelines, project applications shall be evaluated using the following
3 criteria:

4 (1) whether there is a direct connection to proposed or in-progress
5 housing development with demonstrable progress toward regional housing
6 targets;

7 (2) whether the project is an expansion of an existing system;

8 (3) the proximity to a designated area;

9 (4) the project readiness and estimated time until the need for financing;

10 (5) the demonstration of financing for project completion or completion
11 of a project component; and

12 (6) the relative need of the community per the housing targets
13 established by the Department of Housing and Community Development.

14 (g) Award terms. The Vermont Bond Bank, in consultation with the
15 Department of Housing and Community Development, shall establish award
16 terms that may include:

17 (1) the maximum loan or bond amount;

18 (2) the maximum term of the loan or bond amount;

19 (3) the time by which amortization shall commence;

20 (4) the maximum interest rate;

1 (A) a subsidized unit remains affordable to a household earning the
2 applicable percent of area median income for the longer of:

3 (i) seven years; or

4 (ii) full repayment of the loan plus three years; and

5 (B) during the affordability period determined pursuant to
6 subdivision (A) of this subdivision (7), the annual increase in rent for a
7 subsidized unit does not exceed three percent or an amount otherwise
8 authorized by the Agency.

9 * * *

10 * * * Housing and Residential Services Planning Committee * * *

11 Sec. 5. STATE HOUSING AND RESIDENTIAL SERVICES PLANNING
12 COMMITTEE; REPORT

13 (a) Creation. There is created the State Housing and Residential Services
14 Planning Committee to generate a State plan to develop housing for individuals
15 with developmental disabilities.

16 (b) Membership. The Committee shall be composed of the following
17 members:

18 (1) one current member of the House of Representatives, who shall be
19 appointed by the Speaker of the House;

20 (2) one current member of the Senate, who shall be appointed by the
21 Committee on Committees;

1 (3) the Secretary of Human Services or designee;

2 (4) the Commissioner of Disabilities, Aging, and Independent Living or
3 designee;

4 (5) the Commissioner of Housing and Community Development or
5 designee;

6 (6) the State Treasurer or designee;

7 (7) one member, appointed by the Developmental Disabilities Housing
8 Initiative;

9 (8) the Executive Director of the Vermont Developmental Disabilities
10 Council;

11 (9) one member, appointed by Green Mountain Self-Advocates;

12 (10) one member, appointed by Vermont Care Partners;

13 (11) one member, appointed by the Vermont Housing and Conservation
14 Board; and

15 (12) one member, appointed by the Associated General Contractors of
16 Vermont.

17 (c) Powers and duties. The Committee shall create an actionable plan to
18 develop housing for individuals with developmental disabilities that reflects
19 the diversity of needs expressed by those individuals and their families,
20 including individuals with high-support needs who require 24-hour care and
21 those with specific communication needs. The plan shall include:

1 (1) a schedule for the creation of at least 600 additional units of service-
2 supported housing;

3 (2) the number and description of the support needs of individuals with
4 developmental disabilities anticipated to be served annually;

5 (3) anticipated funding needs; and

6 (4) recommendations for changes in State laws or policies that are
7 obstacles to the development of housing needed by individuals with Medicaid-
8 funded home- and community-based services.

9 (d) Assistance.

10 (1) The Committee shall have the administrative, technical, and legal
11 assistance of the Department of Housing and Community Development.

12 (2) Upon request of the Committee, the Department of Disabilities,
13 Aging, and Independent Living shall provide an analysis of the current state of
14 housing in Vermont for individuals with development disabilities and, to the
15 extent available, an analysis of the level of community support needed for
16 these individuals.

17 (e) Report. On or before November 15, 2025, the Committee shall submit
18 a written report to the House Committees on General and Housing and on
19 Human Services and the Senate Committees on Economic Development,
20 Housing and General Affairs and on Health and Welfare with its findings and
21 any recommendations for legislative action.

1 (f) Meetings.

2 (1) The Secretary of Human Services shall call the first meeting of the
3 Committee to occur on or before July 15, 2025.

4 (2) The Committee shall select a chair from among its members at the
5 first meeting.

6 (3) A majority of the membership shall constitute a quorum.

7 (4) The Committee shall cease to exist on November 30, 2025.

8 (g)(1) Compensation and reimbursement. For attendance at meetings
9 during adjournment of the General Assembly, a legislative member of the
10 Committee serving in the member's capacity as a legislator shall be entitled to
11 per diem compensation and reimbursement of expenses pursuant to 2 V.S.A.
12 § 23 for not more than six meetings. These payments shall be made from
13 monies appropriated to the General Assembly.

14 (2) Members of the Committee who are not otherwise compensated for
15 their time shall be entitled to per diem compensation as permitted under
16 32 V.S.A. § 1010 for not more than six meetings. These payments shall be
17 made from monies appropriated to the Department of Housing and Community
18 Development for that purpose.

19 (h) Intent to appropriate. Notwithstanding subdivision (g)(2) of this
20 section, per diems for the cost of attending meetings shall only be available in

1 the event an appropriation is made in fiscal year 2026 from the General Fund
2 to the Department of Housing and Community Development for that purpose.

3 * * * Tax Department Housing Data Access * * *

4 Sec. 6. 32 V.S.A. § 5404 is amended to read:

5 § 5404. DETERMINATION OF EDUCATION PROPERTY TAX GRAND
6 LIST

7 * * *

8 (b) Annually, on or before August 15, the clerk of a municipality, or the
9 supervisor of an unorganized town or gore, shall transmit to the Director in an
10 electronic or other format as prescribed by the Director: education and
11 municipal grand list data, including exemption information and grand list
12 abstracts; tax rates; an extract of the assessor database also referred to as a
13 Computer Assisted Mass Appraisal (CAMA) system or Computer Assisted
14 Mass Appraisal database; and the total amount of taxes assessed in the town or
15 unorganized town or gore. The data transmitted shall identify each parcel by a
16 parcel identification number assigned under a numbering system prescribed by
17 the Director. Municipalities may continue to use existing numbering systems
18 in addition to, but not in substitution for, the parcel identification system
19 prescribed by the Director. If changes or additions to the grand list are made
20 by the listers or other officials authorized to do so after such abstract has been
21 so transmitted, such clerks shall forthwith certify the same to the Director.

* * *

* * * Landlord Certificate * * *

Sec. 7. REPEAL; ACT 181 PROSPECTIVE LANDLORD CERTIFICATE
CHANGES

2024 Acts and Resolves No. 181, Secs. 98 (landlord certificate
amendments) and 114(5) (effective date of landlord certificate amendments)
are repealed.

Sec. 8. 32 V.S.A. § 6069 is amended to read:

§ 6069. LANDLORD CERTIFICATE

* * *

(b) The owner of each rental property shall, on or before January 31 of each
year, furnish a certificate of rent to the Department of Taxes.

(c) A certificate under this section shall be in a form prescribed by the
Commissioner and shall include the following:

(1) the name of the each renter;

(2) the address and any property tax parcel identification number of the
homestead, the information required under subsection (f) of this section, the
School Property Account Number of the rental property;

(3) the name of the owner or landlord of the rental property;

(4) the phone number, email address, and mailing address of the owner
or landlord of the rental property, as available;

* * *

- ~~(1) name of owner or landlord;~~
- ~~(2) mailing address of landlord;~~
- ~~(3) location of rental unit;~~
- ~~(4) type of rental unit;~~
- ~~(5) number of units in building; and~~

~~(6) School Property Account Number. Annually on or before December~~
15, the Department shall submit a report on the aggregated data collected under
this section to the House Committee on General and Housing and the Senate
Committee on Economic Development, Housing and General Affairs.

* * * Land Bank Report * * *

Sec. 9. DHCD LAND BANK REPORT

(a) On or before November 1, 2026, the Department of Housing and Community Development shall issue a report to the House Committee on General and Housing and the Senate Committee on Economic Development, Housing and General Affairs outlining a legal framework for implementation of a State land bank. The report shall include proposed legislative language specific to:

(1) the creation and ongoing administration of a statewide land bank;
(2) the authorization of regional or municipal land banks; and
(3) the identification of funding proposals to support the establishment and sustainability of each separate model.

(b) The report shall include an analysis on which option, the creation of a statewide land bank or the authorization of regional or municipal land banks, best serves the interest of Vermont communities, including rural communities.

(c) On or before January 15, 2026, the Department of Housing and Community Development shall provide a written update to the House Committee on General and Housing and the Senate Committee on Economic Development, Housing and General Affairs on progress made, including a preliminary assessment of the information required in the final report.

* * * Housing and Public Accommodations Protections * * *

Sec. 10. 9 V.S.A. § 4456a is amended to read:

§ 4456a. RESIDENTIAL RENTAL APPLICATION ~~FEES; PROHIBITED~~

(a) A landlord or a landlord's agent shall not charge an application fee to any individual in order to apply to enter into a rental agreement for a residential dwelling unit. This ~~section~~ subsection shall not be construed to prohibit a person from charging a fee to a person in order to apply to rent commercial or nonresidential property.

(b)(1) In order to conduct a background or credit check, a landlord shall accept any of the following:

(A) an original or a copy of any unexpired form of government-issued identification;

(B) an Individual Taxpayer Identification Number; or

(C) a Social Security number.

(2) A landlord or a landlord's agent shall not require a Social Security number for the completion of a residential rental application or refuse to accept an application due to the lack of a Social Security number.

Sec. 11. 9 V.S.A. § 4501 is amended to read:

§ 4501. DEFINITIONS

As used in this chapter:

* * *

(ii) terms, conditions, privileges, or protections in the sale or rental of a dwelling or other real estate, or in the provision of services or facilities in connection with a dwelling or other real estate, because of the person's race, sex, sexual orientation, gender identity, age, marital status, religious creed, color, national origin, citizenship, immigration status, or disability, or because the person intends to occupy a dwelling with one or more minor children, or because the person is a recipient of public assistance, or because the person is a victim of abuse, sexual assault, or stalking.

* * *

§ 4502. PUBLIC ACCOMMODATIONS

(a) An owner or operator of a place of public accommodation or an agent or employee of such owner or operator shall not, because of the race, creed, color, national origin, citizenship, immigration status, marital status, sex,

1 sexual orientation, or gender identity of any person, refuse, withhold from, or
2 deny to that person any of the accommodations, advantages, facilities, and
3 privileges of the place of public accommodation.

4 * * *

5 Sec. 13. 9 V.S.A. § 4503 is amended to read:

6 § 4503. UNFAIR HOUSING PRACTICES

7 (a) It shall be unlawful for any person:

8 (1) To refuse to sell or rent, or refuse to negotiate for the sale or rental
9 of, or otherwise make unavailable or deny, a dwelling or other real estate to
10 any person because of the race, sex, sexual orientation, gender identity, age,
11 marital status, religious creed, color, national origin, citizenship, immigration
12 status, or disability of a person, or because a person intends to occupy a
13 dwelling with one or more minor children, or because a person is a recipient of
14 public assistance, or because a person is a victim of abuse, sexual assault, or
15 stalking.

16 (2) To discriminate against, or to harass, any person in the terms,
17 conditions, privileges, and protections of the sale or rental of a dwelling or
18 other real estate, or in the provision of services or facilities in connection with
19 a dwelling or other real estate, because of the race, sex, sexual orientation,
20 gender identity, age, marital status, religious creed, color, national origin,
21 citizenship, immigration status, or disability of a person, or because a person

1 intends to occupy a dwelling with one or more minor children, or because a
2 person is a recipient of public assistance, or because a person is a victim of
3 abuse, sexual assault, or stalking.

4 (3) To make, print, or publish, or cause to be made, printed, or published
5 any notice, statement, or advertisement, with respect to the sale or rental of a
6 dwelling or other real estate that indicates any preference, limitation, or
7 discrimination based on race, sex, sexual orientation, gender identity, age,
8 marital status, religious creed, color, national origin, citizenship, immigration
9 status, or disability of a person, or because a person intends to occupy a
10 dwelling with one or more minor children, or because a person is a recipient of
11 public assistance, or because a person is a victim of abuse, sexual assault, or
12 stalking.

13 (4) To represent to any person because of the race, sex, sexual
14 orientation, gender identity, age, marital status, religious creed, color, national
15 origin, citizenship, immigration status, or disability of a person, or because a
16 person intends to occupy a dwelling with one or more minor children, or
17 because a person is a recipient of public assistance, or because a person is a
18 victim of abuse, sexual assault, or stalking, that any dwelling or other real
19 estate is not available for inspection, sale, or rental when the dwelling or real
20 estate is in fact so available.

21 * * *

1 (6) To discriminate against any person in the making or purchasing of
2 loans or providing other financial assistance for real-estate-related transactions
3 or in the selling, brokering, or appraising of residential real property, because
4 of the race, sex, sexual orientation, gender identity, age, marital status,
5 religious creed, color, national origin, citizenship, immigration status, or
6 disability of a person, or because a person intends to occupy a dwelling with
7 one or more minor children, or because a person is a recipient of public
8 assistance, or because a person is a victim of abuse, sexual assault, or stalking.

9 (7) To engage in blockbusting practices, for profit, which may include
10 inducing or attempting to induce a person to sell or rent a dwelling by
11 representations regarding the entry into the neighborhood of a person or
12 persons of a particular race, sex, sexual orientation, gender identity, age,
13 marital status, religious creed, color, national origin, citizenship, immigration
14 status, or disability of a person, or because a person intends to occupy a
15 dwelling with one or more minor children, or because a person is a recipient of
16 public assistance, or because a person is a victim of abuse, sexual assault, or
17 stalking.

18 (8) To deny any person access to or membership or participation in any
19 multiple listing service, real estate brokers' organization, or other service,
20 organization, or facility relating to the business of selling or renting dwellings,
21 or to discriminate against any person in the terms or conditions of such access,

1 membership, or participation, on account of race, sex, sexual orientation,
2 gender identity, age, marital status, religious creed, color, national origin,
3 citizenship, immigration status, or disability of a person, or because a person is
4 a recipient of public assistance, or because a person is a victim of abuse, sexual
5 assault, or stalking.

6 * * *

7 (12) To discriminate in land use decisions or in the permitting of
8 housing because of race, sex, sexual orientation, gender identity, age, marital
9 status, religious creed, color, national origin, citizenship, immigration status,
10 disability, the presence of one or more minor children, income, or because of
11 the receipt of public assistance, or because a person is a victim of abuse, sexual
12 assault, or stalking, except as otherwise provided by law.

13 * * *

14 (d) If required by federal law, the verification of immigration status or
15 differential treatment on the basis of citizenship or immigration status shall not
16 constitute a violation of subsection (a) of this section with respect to the sale
17 and rental of dwellings.

18 (e) For purposes of subdivision (a)(6) of this section, it shall not constitute
19 unlawful discrimination for a lender to consider a credit applicant's
20 immigration status to the extent such status has bearing on the lender's rights

1 and remedies regarding loan repayment and further provided such
2 consideration is consistent with any applicable federal law or regulation.

3 * * * LURB Study * * *

4 Sec. 14. 2024 Acts and Resolves No. 181, Sec. 11a is amended to read:

5 Sec. 11a. ACT 250 APPEALS STUDY

6 (a) On or before ~~January 15, 2026~~ November 15, 2025, the Land Use
7 Review Board shall issue a report evaluating whether to transfer appeals of
8 permit decisions and jurisdictional opinions issued pursuant to 10 V.S.A.
9 chapter 151 to the Land Use Review Board or whether they should remain at
10 the Environmental Division of the Superior Court. The Board shall convene a
11 stakeholder group that at a minimum shall be composed of a representative of
12 environmental interests, attorneys that practice environmental and
13 development law in Vermont, the Vermont League of Cities and Towns, the
14 Vermont Association of Planning and Development Agencies, the Vermont
15 Chamber of Commerce, the Land Access and Opportunity Board, the Office of
16 Racial Equity, the Vermont Association of Realtors, a representative of ~~non-~~
17 ~~profit~~ nonprofit housing development interests, a representative of for-profit
18 housing development interests, a representative of commercial development
19 interests, an engineer with experience in development, the Agency of
20 Commerce and Community Development, and the Agency of Natural
21 Resources in preparing the report. The Board shall provide notice of the

1 stakeholder meetings on its website and each meeting shall provide time for
2 public comment.

3 (b) The report shall at minimum recommend:

4 (1) whether to allow consolidation of appeals at the Board, or with the
5 Environmental Division of the Superior Court, and how, including what
6 resources the Board would need, if transferred to the Board, appeals of permit
7 decisions issued under 24 V.S.A. chapter 117 and the Agency of Natural
8 Resources can be consolidated with Act 250 appeals;

9 (2) how to prioritize and expedite the adjudication of appeals related to
10 housing projects, including the use of hearing officers to expedite appeals and
11 the setting of timelines for processing of housing appeals;

12 (3) procedural rules to govern the Board's administration of Act 250 and
13 the adjudication of appeals of Act 250 decisions. These rules shall include
14 procedures to create a firewall and eliminate any potential for conflicts with
15 the Board managing appeals and issuing permit decisions and jurisdictional
16 opinions; and

17 (4) other actions the Board should take to promote the efficient and
18 effective adjudication of appeals, including any procedural improvements to
19 the Act 250 permitting process and jurisdictional opinion appeals.

1 (c) The report shall be submitted to the Senate Committees on Economic
2 Development, Housing and General Affairs and on Natural Resources and
3 Energy and the House Committee on Environment ~~and Energy~~.

4 * * * Brownfields * * *

5 Sec. 15. 10 V.S.A. § 6604c is amended to read:

6 § 6604c. MANAGEMENT OF DEVELOPMENT SOILS

7 (a) Management of development soils. Notwithstanding any other
8 requirements of this chapter to the contrary, development soils may be
9 managed at a location permitted pursuant to an insignificant waste event
10 approval authorization issued pursuant to the Solid Waste Management Rules
11 that contains, at a minimum, the following:

12 (1) the development soils are generated from a hazardous materials site
13 managed pursuant to a corrective action plan or a soil management plan
14 approved by the Secretary;

15 (2) the development soils have been tested for arsenic, lead, and
16 polyaromatic hydrocarbons pursuant to a monitoring plan approved by the
17 Secretary that ensures that the soils do not leach above groundwater
18 enforcement standards;

19 (3) the location where the soils are managed is appropriate for the
20 amount and type of material being managed;

21 (4) the soils are capped in a manner approved by the Secretary;

(6) the permittee files a record notice of where the soils are managed in
the land records.

Sec. 16. REPORT ON THE STATUS OF MANAGEMENT OF DEVELOPMENT SOILS

(1) the number of insignificant waste event approval authorizations issued by the Secretary in the previous two years for the management of development soils;

(3) a summary of how the majority of development soils in the State are
being managed;

1 (4) an estimate of the cost to manage development soils, depending on
2 management method; and

3 (5) any additional information the Secretary determines relevant to the
4 management of development soils in the State.

5 (b) As used in this section, “development soil” has the same meaning as in
6 10 V.S.A. § 6602(39).

7 Sec. 17. 10 V.S.A. § 6641 is amended to read:

8 § 6641. BROWNFIELD PROPERTY CLEANUP PROGRAM; CREATION;
9 POWERS

10 (a) There is created the Brownfield Property Cleanup Program to enable
11 certain interested parties to request the assistance of the Secretary to review
12 and oversee work plans for investigating, abating, removing, remediating, and
13 monitoring a property in exchange for protection from certain liabilities under
14 section 6615 of this title. The Program shall be administered by the Secretary
15 who shall:

16 * * *

17 (c) When conducting any review required by this subchapter, the Secretary
18 shall prioritize the review of remediation at a site that contains housing or that
19 is planned for the construction or rehabilitation of single-family or multi-
20 family housing.

1 Sec. 18. BROWNFIELDS PROCESS IMPROVEMENT; REPORT

2 On or before November 1, 2025, the Secretary of Natural Resources shall
3 report to the House Committees on Environment and on General and Housing
4 and the Senate Committees on Economic Development, Housing and General
5 Affairs and on Natural Resources and Energy with proposals to make the
6 Program established pursuant to 10 V.S.A. chapter 159, subchapter 3
7 (brownfields reuse and liability limitation) substantially more efficient. At a
8 minimum, the report shall include both of the following:

9 (1) A survey of stakeholders in the brownfields program to identify
10 areas that present challenges to the redevelopment of contaminated properties,
11 with a focus on redevelopment for housing. The Secretary shall provide
12 recommendations to resolve these challenges.

13 (2) An analysis of strengths and weaknesses of implementing a licensed
14 site professional program within the State. The Secretary shall make a
15 recommendation on whether such a program should be implemented. If the
16 Secretary recommends implementation, the report shall include any changes to
17 statute or budget needed to implement this program.

18 Sec. 19. FISCAL YEAR 2026 ENVIRONMENTAL CONTINGENCY FUND

19 DISBURSEMENT FOR BROWNFIELDS

1 In fiscal year 2026, the Secretary of Natural Resources is authorized to
2 disburse up to \$2,000,000.00 from the Environmental Contingency Fund for
3 the assessment, planning, and cleanup of brownfields sites.

4 * * * Tax Increment Financing * * *

5 Sec. 20. 24 V.S.A. chapter 53, subchapter 7 is added to read:

6 Subchapter 7. Community and Housing Infrastructure Program

7 § 1906. DEFINITIONS

8 As used in this subchapter:

9 (1) “Affordable housing” has the same meaning as in section 4303 of
10 this title.

11 (2) “Affordable housing development” means a housing development of
12 which at least 15 percent of the units are affordable housing units. Affordable
13 units shall be subject to covenants or restrictions that preserve their
14 affordability until all indebtedness for the housing infrastructure project of
15 which the housing development is part has been retired.

16 (3) “Brownfield” means a property on which the presence or potential
17 presence of a hazardous material, pollutant, or contaminant complicates the
18 expansion, development, redevelopment, or reuse of the property.

19 (4) “Committed” means pledged and appropriated for the purpose of the
20 current and future payment of financing and related costs.

1 (5) “Developer” means the person undertaking to construct a housing
2 development.

3 (6) “Financing” means debt, including principal, interest, and any fees
4 or charges directly related to that debt, incurred by a sponsor, or other
5 instruments or borrowing used by a sponsor, to pay for a housing infrastructure
6 project and, in the case of a sponsor that is a municipality, authorized by the
7 municipality pursuant to section 1910a of this subchapter.

8 (7) “Housing development” means the construction, rehabilitation, or
9 renovation of any building on a housing development site approved under this
10 subchapter.

11 (8) “Housing development site” means the parcel or parcels
12 encompassing a housing development as authorized by a municipality pursuant
13 to section 1908 of this subchapter.

14 (9) “Housing infrastructure agreement” means a legally binding
15 agreement to finance and develop a housing infrastructure project and to
16 construct a housing development among a municipality, a developer, and, if
17 applicable, a third-party sponsor.

18 (10) “Housing infrastructure project” means one or more improvements
19 authorized by a municipality pursuant to section 1908 of this subchapter.

20 (11) “Improvements” means:

1 (A) the installation, construction, or reconstruction of infrastructure
2 that will serve a public good and fulfill the purpose stated in section 1907 of
3 this subchapter; and

4 (B) the funding of debt service interest payments for a period of up to
5 four years, beginning on the date on which the debt is first incurred.

6 (12) “Legislative body” means the mayor and alderboard, the city
7 council, the selectboard, and the president and trustees of an incorporated
8 village, as appropriate.

9 (13) “Lifetime education property tax increment retention” means the
10 total education property tax increment to be retained for a housing
11 infrastructure project across its lifetime.

12 (14) “Moderate-income housing” means housing for which the total
13 annual cost of renting or ownership, as applicable, does not exceed 30 percent
14 of the gross annual income of a household at 150 percent of the highest of the
15 following:

16 (A) the county median income, as defined by the U.S. Department of
17 Housing and Urban Development;

18 (B) the standard metropolitan statistical area median income if the
19 municipality is located in such an area, as defined by the U.S. Department of
20 Housing and Urban Development; or

1 (C) the statewide median income, as defined by the U.S. Department
2 of Housing and Urban Development.

3 (15) “Moderate-income housing development” means a housing
4 development of which at least 25 percent of the units are moderate-income
5 housing units. Moderate-income units shall be subject to covenants or
6 restrictions that preserve their affordability until all indebtedness for the
7 housing infrastructure project of which the housing development is part has
8 been retired.

9 (16) “Municipality” means a city, town, or incorporated village.

10 (17) “Original taxable value” means the total valuation as determined in
11 accordance with 32 V.S.A. chapter 129 of all taxable real property located
12 within a housing development site as of its creation date, provided that no
13 parcel within the housing development site shall be divided or bisected.

14 (18) “Related costs” means expenses incurred and paid by a
15 municipality, exclusive of the actual cost of constructing and financing
16 improvements, that are directly related to the creation and implementation of
17 the municipality’s housing infrastructure project, including reimbursement of
18 sums previously advanced by the municipality for those purposes. Related
19 costs may include direct municipal expenses such as departmental or personnel
20 costs related to creating or administering the housing infrastructure project to
21 the extent they are paid from the tax increment realized from municipal and not

1 education taxes and using only that portion of the municipal increment above
2 the percentage required for servicing debt as determined in accordance with
3 section 1910c of this subchapter.

4 (19) "Sponsor" means the person undertaking to finance a housing
5 infrastructure project. Any of a municipality, a developer, or an independent
6 agency that meets State lending standards may serve as a sponsor for a housing
7 infrastructure project.

8 § 1907. PURPOSE

9 The purpose of the Community and Housing Infrastructure Program is to
10 encourage the development of new primary residences for households of low
11 and moderate income across both rural and urban areas of all Vermont counties
12 that would not be created but for the infrastructure improvements funded by
13 the Program.

14 § 1908. CREATION OF HOUSING INFRASTRUCTURE PROJECT AND
15 HOUSING DEVELOPMENT SITE

16 (a) The legislative body of a municipality may create within its jurisdiction
17 a housing infrastructure project, which shall consist of improvements that
18 stimulate the development of housing, and a housing development site, which
19 shall consist of the parcel or parcels on which a housing development is
20 installed or constructed.

1 (b) To create a housing infrastructure project and housing development
2 site, a municipality, in coordination with stakeholders, shall:

3 (1) develop a housing development plan, including:

4 (A) a description of the proposed housing infrastructure project, the
5 proposed housing development, and the proposed housing development site;

6 (B) identification of a sponsor;

7 (C) a tax increment financing plan meeting the standards of
8 subsection 1910(h) of this subchapter;

9 (D) a pro forma projection of expected costs of the proposed housing
10 infrastructure project;

11 (E) a projection of the tax increment to be generated by the proposed
12 housing development;

13 (F) a development schedule that includes a list, a cost estimate, and a
14 schedule for the proposed housing infrastructure project and the proposed
15 housing development; and

16 (G) a determination that the proposed housing development furthers
17 the purpose of section 1907 of this subchapter;

18 (2) develop a plan describing the housing development site by its
19 boundaries and the properties therein, entitled “Proposed Housing
20 Development Site (municipal name), Vermont”;

1 (3) hold one or more public hearings, after public notice, on the
2 proposed housing infrastructure project, including the plans developed
3 pursuant to this subsection; and

4 (4) adopt by act of the legislative body of the municipality the plan
5 developed under subdivision (2) of this subsection, which shall be recorded
6 with the municipal clerk and lister or assessor.

7 (c) The creation of a housing development site shall occur at 12:01 a.m. on
8 April 1 of the calendar year in which the Vermont Economic Progress Council
9 approves the use of tax increment financing for the housing infrastructure
10 project pursuant to section 1910 of this subchapter.

11 § 1909. HOUSING INFRASTRUCTURE AGREEMENT

12 (a) The housing infrastructure agreement for a housing infrastructure
13 project shall:

14 (1) clearly identify the sponsor for the housing infrastructure project;

15 (2) clearly identify the developer and the housing development for the
16 housing development site;

17 (3) obligate the tax increments retained pursuant to section 1910c of this
18 subchapter for not more than the financing and related costs for the housing
19 infrastructure project;

20 (4) provide that any housing unit within the housing development be
21 offered exclusively as a primary residence until all indebtedness for the

1 housing infrastructure project of which the housing development is part has
2 been retired, provided that this condition shall be satisfied by biennially
3 providing a landlord certificate or homestead declaration; and

4 (5) provide for performance assurances to reasonably secure the
5 obligations of all parties under the housing infrastructure agreement.

6 (b) A municipality shall provide notice of the terms of the housing
7 infrastructure agreement for the municipality's housing infrastructure project
8 to the legal voters of the municipality and shall provide the same information
9 as set forth in subsection 1910a(e) of this subchapter.

10 § 1910. HOUSING INFRASTRUCTURE PROJECT APPLICATION;

11 VERMONT ECONOMIC PROGRESS COUNCIL

12 (a) Application. A municipality, upon approval of its legislative body, may
13 apply to the Vermont Economic Progress Council to use tax increment
14 financing for a housing infrastructure project.

15 (b) But-for test. The Vermont Economic Progress Council shall review
16 each application other than those for which the housing development is an
17 affordable housing development to determine whether the infrastructure
18 improvements proposed to serve the housing development site and the
19 proposed housing development would not have occurred as proposed in the
20 application or would have occurred in a significantly different and less

1 desirable manner than as proposed in the application but for the proposed
2 utilization of the incremental tax revenues.

3 (c) Process requirements. The Vermont Economic Progress Council shall
4 review a municipality's housing infrastructure project application to determine
5 whether the municipality has:

6 (1) created a housing infrastructure project and housing development
7 site pursuant to section 1908 of this subchapter;

8 (2) executed a housing infrastructure agreement for the housing
9 infrastructure project that adheres to the standards of section 1909 of this
10 subchapter with a developer and, if the municipality is not financing the
11 housing infrastructure project itself, a sponsor; and

12 (3) approved or pledged to use incremental municipal tax revenues for
13 the housing infrastructure project in the proportion provided for municipal tax
14 revenues in section 1910c of this subchapter.

15 (d) Project criteria. The Vermont Economic Progress Council shall review
16 a municipality's housing infrastructure project application to determine
17 whether:

18 (1) at least 60 percent of the floor area of the projected housing
19 development is dedicated to housing; or

20 (2) the projected housing development meaningfully addresses the
21 purpose of section 1907 of this subchapter.

1 (e) Affordability criterion. The Vermont Economic Progress Council shall
2 review a municipality's housing infrastructure project application to determine
3 whether the projected housing development is an affordable housing
4 development or a moderate-income housing development for purposes of the
5 increased education property tax increment retention percentage under section
6 1910c of this subchapter.

7 (f) Tax increment financing plan. The Vermont Economic Progress
8 Council shall approve a municipality's tax increment financing plan prior to a
9 sponsor's incurrence of debt for the housing infrastructure project, including, if
10 the sponsor is a municipality, prior to a public vote to pledge the credit of the
11 municipality under section 1910a of this subchapter. The tax increment
12 financing plan shall include:

- 13 (1) a statement of costs and sources of revenue;
14 (2) estimates of assessed values within the housing development site;
15 (3) the portion of those assessed values to be applied to the housing
16 infrastructure project;
17 (4) the resulting tax increments in each year of the financial plan and the
18 lifetime education property tax increment retention;
19 (5) the amount of bonded indebtedness or other financing to be incurred;
20 (6) other sources of financing and anticipated revenues; and
21 (7) the duration of the financial plan.

1 (g) Approval. The Vermont Economic Progress Council shall approve or
2 deny an application submitted pursuant to this section not later than 90 days
3 following the site visit conducted as part of the application's review. The
4 Vermont Economic Progress Council shall only approve tax increment
5 financing for applications:

6 (1) that meet the process requirements, either of the project criteria of
7 this section, and, for an application for which the housing development is not
8 an affordable housing development, the but-for test;

9 (2) for which the Council has approved the tax increment financing
10 plan; and

11 (3) that are submitted on or before December 31, 2035.

12 (h) Limit. The Vermont Economic Progress Council shall not annually
13 approve more than \$200,000,000.00 in aggregate lifetime education property
14 tax increment retention.

15 § 1910a. INDEBTEDNESS

16 (a) A municipality approved for tax increment financing under section
17 1910 of this subchapter may incur indebtedness against revenues of the
18 housing development site at any time during a period of up to five years
19 following the creation of the housing development site. The Vermont
20 Economic Progress Council may extend this debt incursion period by up to
21 three years.

1 (b) Notwithstanding any provision of any municipal charter, each instance
2 of borrowing by a municipality to finance or otherwise pay for a housing
3 infrastructure project shall occur only after the legal voters of the municipality,
4 by a majority vote of all voters present and voting on the question at a special
5 or annual municipal meeting duly warned for the purpose, authorize the
6 legislative body to pledge the credit of the municipality, borrow, or otherwise
7 secure the debt for the specific purposes so warned.

8 (c) Any indebtedness incurred under this section may be retired over any
9 period authorized by the legislative body of the municipality.

10 (d) The housing development site shall continue until the date and hour the
11 indebtedness is retired or, if no debt is incurred, the debt incursion period ends.

12 (e) A municipal legislative body shall provide information to the public
13 prior to the public vote required under subsection (b) of this section. This
14 information shall include the amount and types of debt and related costs to be
15 incurred, including principal, interest, and fees; terms of the debt; the housing
16 infrastructure project to be financed; the housing development projected to
17 occur because of the housing infrastructure project; and notice to the voters
18 that if the tax increment received by the municipality from any property tax
19 source is insufficient to pay the principal and interest on the debt in any year,
20 the municipality shall remain liable for the full payment of the principal and
21 interest for the term of the indebtedness. If interfund loans within the

1 municipality are used, the information must also include documentation of the
2 terms and conditions of the loan.

3 (f) If interfund loans within the municipality are used as the method of
4 financing, no interest shall be charged.

5 (g) The use of a bond anticipation note shall not be considered a first
6 incurrence of debt pursuant to subsection (a) of this section.

7 § 1910b. ORIGINAL TAXABLE VALUE; TAX INCREMENT

8 (a) As of the date the housing development site is created, the lister or
9 assessor for the municipality shall certify the original taxable value and shall
10 certify to the legislative body in each year thereafter during the life of the
11 housing development site the amount by which the total valuation as
12 determined in accordance with 32 V.S.A. chapter 129 of all taxable real
13 property within the housing development site has increased or decreased
14 relative to the original taxable value.

15 (b) Annually throughout the life of the housing development site, the lister
16 or assessor shall include not more than the original taxable value of the real
17 property in the assessed valuation upon which the treasurer computes the rates
18 of all taxes levied by the municipality and every other taxing district in which
19 the housing development site is situated, but the treasurer shall extend all rates
20 so determined against the entire assessed valuation of real property for that
21 year.

1 (c) Annually throughout the life of the housing development site, a
2 municipality shall remit not less than the aggregate education property tax due
3 on the original taxable value to the Education Fund.

4 (d) Annually throughout the life of the housing development site, the
5 municipality shall hold apart, rather than remit to the taxing districts, that
6 proportion of all taxes paid that year on the real property within the housing
7 development site that the excess valuation bears to the total assessed valuation.
8 The amount held apart each year is the “tax increment” for that year. The tax
9 increment shall only be used for financing and related costs.

10 (e) Not more than the percentages established pursuant to section 1910c of
11 this subchapter of the municipal and State education tax increments received
12 with respect to the housing development site and committed for the payment
13 for financing for improvements and related costs shall be segregated by the
14 municipality in a special tax increment financing account and in its official
15 books and records until all capital indebtedness incurred for the housing
16 infrastructure project has been fully paid. The final payment shall be reported
17 to the treasurer, who shall thereafter include the entire assessed valuation of the
18 housing development site in the assessed valuations upon which the municipal
19 and other tax rates are computed and extended, and thereafter no taxes from
20 the housing development site shall be deposited in the special tax increment
21 financing account.

1 (f) Notwithstanding any charter provision or other provision, all property
2 taxes assessed within a housing development site shall be subject to the
3 provisions of this section. Special assessments levied under chapter 76A or 87
4 of this title or under a municipal charter shall not be considered property taxes
5 for the purpose of this section if the proceeds are used exclusively for
6 operating expenses related to properties within the housing development site
7 and not for improvements within the housing development site.

8 § 1910c. USE OF TAX INCREMENT; RETENTION PERIOD

9 (a) Uses of tax increments. A municipality may apply tax increments
10 retained pursuant to this subchapter to debt incurred within the period
11 permitted under section 1910a of this subchapter, to related costs, and to the
12 direct payment of the cost of a housing infrastructure project. A municipality
13 may provide tax increment to a sponsor only upon receipt of an invoice for
14 payment of the financing, and the sponsor shall confirm to the municipality
15 once the tax increment has been applied to the financing. Any direct payment
16 shall be subject to the same public vote provisions of section 1910a of this
17 subchapter as apply to debt.

18 (b) Education property tax increment.

19 (1) For a housing infrastructure project that does not satisfy the
20 affordability criterion of section 1910 of this subchapter, up to 75 percent of
21 the education property tax increment may be retained for up to 20 years,

1 beginning the first year in which debt is incurred for the housing infrastructure
2 project.

3 (2) For a housing infrastructure project that satisfies the affordability
4 criterion of section 1910 of this subchapter, up to 85 percent of the education
5 property tax increment may be retained for up to 20 years, beginning the first
6 year in which debt is incurred for the housing infrastructure project.

7 (3) Upon incurring the first debt, a municipality shall notify the
8 Department of Taxes and the Vermont Economic Progress Council of the
9 beginning of the retention period of the education property tax increment.

10 (c) Municipal property tax increment. Not less than 85 percent of the
11 municipal property tax increment may be retained, beginning the first year in
12 which debt is incurred for the housing infrastructure project.

13 (d) Excess tax increment.

14 (1) Of the municipal and education property tax increments received in
15 any tax year that exceed the amounts committed for the payment of the
16 financing and related costs for a housing infrastructure project, equal portions
17 of each increment may be retained for the following purposes:

18 (A) to prepay principal and interest on the financing;

19 (B) to place in a special tax increment financing account required
20 pursuant to subsection 1910b(e) of this subchapter and use for future financing
21 payments; or

1 (C) to use for defeasance of the financing.

2 (2) Any remaining portion of the excess education property tax
3 increment shall be distributed to the Education Fund. Any remaining portion
4 of the excess municipal property tax increment shall be distributed to the city,
5 town, or village budget in the proportion that each budget bears to the
6 combined total of the budgets unless otherwise negotiated by the city, town, or
7 village.

8 (e) Adjustment of percentage. During the 10th year following the creation
9 of a housing development site, the municipality shall submit an updated tax
10 increment financing plan to the Vermont Economic Progress Council that shall
11 include adjustments and updates of appropriate data and information sufficient
12 for the Vermont Economic Progress Council to determine, based on tax
13 increment financing debt actually incurred and the history of increment
14 generated during the first 10 years, whether the percentages approved under
15 this section should be continued or adjusted to a lower percentage to be
16 retained for the remaining duration of the retention period and still provide
17 sufficient municipal and education increment to service the remaining debt.

18 § 1910d. INFORMATION REPORTING

19 (a) A municipality with an active housing infrastructure project shall:

1 (1) develop a system, segregated for the housing infrastructure project,
2 to identify, collect, and maintain all data and information necessary to fulfill
3 the reporting requirements of this section;

4 (2) provide timely notification to the Department of Taxes and the
5 Vermont Economic Progress Council of any housing infrastructure project
6 debt, public vote, or vote by the municipal legislative body immediately
7 following the debt incurrence or public vote on a form prescribed by the
8 Council, including copies of public notices, agendas, minutes, vote tally, and a
9 copy of the information provided to the public pursuant to subsection 1910a(e)
10 of this subchapter; and

11 (3) annually on or before February 15, submit on a form prescribed by
12 the Vermont Economic Progress Council an annual report to the Council and
13 the Department of Taxes, including the information required by subdivision (2)
14 of this subsection if not previously submitted, the information required for
15 annual audit under section 1910e of this subchapter, and any information
16 required by the Council or the Department of Taxes for the report required
17 pursuant to subsection (b) of this section.

18 (b) Annually on or before April 1, the Vermont Economic Progress Council
19 and the Department of Taxes shall submit a report to the Senate Committees on
20 Economic Development, Housing and General Affairs and on Finance and the
21 House Committees on Commerce and Economic Development, on General and

1 Housing, and on Ways and Means that provides the aggregate lifetime
2 education property tax increment retention approved that year, describes
3 common reasons applicants to the Community and Housing Infrastructure
4 Program fail to secure approval for tax increment financing, and includes for
5 each housing infrastructure project approved pursuant to this subchapter the
6 following:

7 (1) the date of approval;

8 (2) a description of the housing infrastructure project;

9 (3) the original taxable value of the housing development site;

10 (4) the scope and value of projected and actual improvements and
11 developments in the housing development site, including the number of
12 housing units created;

13 (5) the sale prices for initial offerings of any housing units;

14 (6) the number and types of housing units for which a permit is being
15 pursued under 10 V.S.A. chapter 151 (State land use and development plans)
16 and, for each applicable housing development, the current stage of the
17 permitting process;

18 (7) projected and actual incremental revenue amounts;

19 (8) the allocation of incremental revenue, including the amount
20 allocated to related costs;

21 (9) projected and actual financing; and

1 (10) an evaluation of the amount of public funds flowing to private
2 ownership or usage.

3 (c) On or before January 15, 2035, the Vermont Economic Progress
4 Council shall submit a report to the Senate Committees on Economic
5 Development, Housing and General Affairs and on Finance and the House
6 Committees on Commerce and Economic Development, on General and
7 Housing, and on Ways and Means evaluating the success of the Community
8 and Housing Infrastructure Program in achieving its purpose, as stated in
9 section 1907 of this chapter, including by identifying the amount and kinds of
10 housing produced through the Program and by determining whether housing
11 development pursued through the Program meets the project criteria of section
12 1910 of this chapter.

13 § 1910e. AUDITING

14 Annually on or before April 1 until the year following the end of the period
15 for retention of education property tax increment, a municipality with a
16 housing infrastructure project approved under this subchapter shall ensure that
17 the special tax increment financing account required by section 1910b of this
18 subchapter is subject to the annual audit prescribed in section 1681 or 1690 of
19 this title and submit a copy to the Vermont Economic Progress Council. If an
20 account is subject only to the audit under section 1681 of this title, the Council
21 shall ensure a process is in place to subject the account to an independent audit.

1 Procedures for the audit must include verification of the original taxable value
2 and annual and total municipal and education property tax increments
3 generated, expenditures for financing and related costs, and current balance.

4 § 1910f. RULEMAKING; GUIDANCE

5 (a) Authority to adopt rules and guidance.

6 (1) The Vermont Economic Progress Council may adopt rules that are
7 reasonably necessary to implement this subchapter.

8 (2) The Vermont Economic Progress Council shall issue guidance to
9 implement this subchapter on or before November 15, 2025. Upon issuance,
10 the Vermont Economic Progress Council shall publicly post and submit to the
11 Senate Committees on Economic Development, Housing and General Affairs
12 and on Finance and the House Committees on Commerce and Economic
13 Development, on General and Housing, and on Ways and Means any guidance
14 documents.

15 (b) Authority to issue decisions.

16 (1) The Secretary of Commerce and Community Development, after
17 reasonable notice to a municipality and an opportunity for a hearing, may issue
18 decisions to a municipality on questions and inquiries concerning the
19 administration of housing infrastructure projects, statutes, rules,
20 noncompliance with this subchapter, and any instances of noncompliance

1 identified in audit reports conducted pursuant to section 1910e of this
2 subchapter.

3 (2) The Vermont Economic Progress Council shall prepare
4 recommendations for the Secretary of Commerce and Community
5 Development prior to any decision issued pursuant to subsection (b) of this
6 section. The Council may prepare recommendations in consultation with the
7 Commissioner of Taxes, the Attorney General, and the State Treasurer. In
8 preparing recommendations, the Council shall provide a municipality with a
9 reasonable opportunity to submit written information in support of its position.

10 (3) The Secretary of Commerce and Community Development shall
11 review the recommendations of the Council and issue a final written decision
12 on each matter within 60 days following receipt of the recommendations. The
13 Secretary may permit an appeal to be taken by any party to a Superior Court
14 for determination of questions of law in the same manner as the Supreme Court
15 may by rule provide for appeals before final judgment from a Superior Court
16 before issuing a final decision.

17 (c) Remedy for noncompliance. If the Secretary issues a decision under
18 subsection (b) of this section that includes a finding of noncompliance and that
19 noncompliance has resulted in the improper reduction in the amount due the
20 Education Fund, the Secretary, unless and until the Secretary is satisfied that
21 there is no longer any such failure to comply, shall request that the State

1 Treasurer bill the municipality for the total identified underpayment. The
2 amount of the underpayment shall be due from the municipality upon receipt
3 of the bill. If the municipality does not pay the underpayment amount within
4 60 days, the amount may be withheld from any funds otherwise payable by the
5 State to the municipality or a school district in the municipality or of which the
6 municipality is a member.

7 (d) Referral; Attorney General. In lieu of or in addition to any action
8 authorized in subsection (c) of this section, the Secretary of Commerce and
9 Community Development or the State Treasurer may refer the matter to the
10 Office of the Attorney General with a recommendation that an appropriate civil
11 action be initiated.

12 (e) Appeal; hearing officer. A hearing that is held pursuant to this section
13 shall be subject to the provisions of 3 V.S.A. chapter 25 relating to contested
14 cases. The hearing shall be conducted by the Secretary or by a hearing officer
15 appointed by the Secretary. If a hearing is conducted by a hearing officer, the
16 hearing officer shall have all authority to conduct the hearing that is provided
17 for in the applicable contested case provisions of 3 V.S.A. chapter 25,
18 including issuing findings of fact, hearing evidence, and compelling, by
19 subpoena, the attendance and testimony of witnesses.

1 Sec. 21. 32 V.S.A. § 3325 is amended to read:

2 § 3325. VERMONT ECONOMIC PROGRESS COUNCIL

3 (a) Creation. The Vermont Economic Progress Council is created to
4 exercise the authority and perform the duties assigned to it, including its
5 authority and duties relating to:

6 (1) the Vermont Employment Growth Incentive Program pursuant to
7 subchapter 2 of this chapter; ~~and~~

8 (2) tax increment financing districts pursuant to 24 V.S.A. chapter 53,
9 subchapter 5 and section 5404a of this title; and

10 (3) the Community and Housing Infrastructure Program pursuant to 24
11 V.S.A. chapter 53, subchapter 7.

12 (b) Membership.

13 (1) The Council shall have 11 voting members:

14 (A) nine residents of the State appointed by the Governor with the
15 advice and consent of the Senate who are knowledgeable and experienced in
16 the subjects of community development and planning, education funding
17 requirements, economic development, State fiscal affairs, property taxation, or
18 entrepreneurial ventures and represent diverse geographical areas of the State
19 and municipalities of various sizes;

20 (B) one member of the Vermont House of Representatives appointed
21 by the Speaker of the House; and

1 (C) one member of the Vermont Senate appointed by the Senate
2 Committee on Committees.

3 (2)(A) The Council shall have two regional members from each region
4 of the State, one appointed by the regional development corporation of the
5 region and one appointed by the regional planning commission of the region.

6 (B) A regional member shall be a nonvoting member and shall serve
7 during consideration by the Council of an application from ~~his or her~~ the
8 member's region.

9 (3) Exclusively for purposes of reviewing and approving housing
10 infrastructure project applications under the Community and Housing
11 Infrastructure Program, the Council shall additionally have three nonvoting
12 members:

13 (A) the Executive Director of the Vermont Housing Finance Agency
14 or designee;

15 (B) the Executive Director of the Vermont Housing and Conservation
16 Board or designee; and

17 (C) the Commissioner of Housing and Community Development or
18 designee.

19 * * *

20 (g) Decisions not subject to review. A decision of the Council to approve
21 or deny an application under subchapter 2 of this chapter, ~~or~~ to approve or

1 deny a tax increment financing district pursuant to 24 V.S.A. chapter 53,
2 subchapter 5 and section 5404a of this title, or to approve or deny a housing
3 infrastructure project pursuant to 24 V.S.A. chapter 53, subchapter 7 is an
4 administrative decision that is not subject to the contested case hearing
5 requirements under 3 V.S.A. chapter 25 and is not subject to judicial review.

6 Sec. 22. COMMUNITY AND HOUSING INFRASTRUCTURE

7 PROGRAM; VERMONT ECONOMIC PROGRESS COUNCIL;
8 HOUSING DEVELOPMENT SITE; REPORT

9 On or before December 15, 2025, the Vermont Economic Progress Council
10 shall report to the Senate Committees on Economic Development, Housing and
11 General Affairs and on Finance and the House Committees on Commerce and
12 Economic Development, on General and Housing, and on Ways and Means on
13 considerations for amending the definition of “housing development site”
14 under 24 V.S.A. §§ 1906 and 1908 to support the Community and Housing
15 Infrastructure Program, including a recommendation on whether to include
16 immediately contiguous parcels in the definition.

17 * * * Smoke and Carbon Monoxide Alarms * * *

18 Sec. 23. 9 V.S.A. chapter 77 is amended to read:

19 CHAPTER 77. SMOKE ~~DETECTORS~~ ALARMS AND CARBON
20 MONOXIDE ~~DETECTORS~~ ALARMS

21 § 2881. DEFINITIONS

1 As used in this chapter:

2 * * *

3 (2) “Smoke ~~detector~~ alarm” means a device that detects visible or
4 invisible particles of combustion and sounds a warning alarm, is operated from
5 a power supply within the unit or wired to it from an outside source, and is
6 approved or listed for the purpose by Underwriters Laboratory or by another
7 nationally recognized independent testing laboratory.

8 (3) “Carbon monoxide ~~detector~~ alarm” means a device with an assembly
9 that incorporates a sensor control component and an alarm notification that
10 detects elevations in carbon monoxide levels and sounds a warning alarm, is
11 operated from a power supply within the unit or wired to it from an outside
12 source, and is approved or listed for the purpose by Underwriters Laboratory or
13 by another nationally recognized independent testing laboratory.

14 § 2882. INSTALLATION

15 (a) A person who constructs a single-family dwelling shall install
16 ~~photoelectric-only type~~ photoelectric-type or UL 217 compliant smoke
17 ~~detectors~~ alarms in the vicinity of any bedrooms and on each level of the
18 dwelling, and one or more carbon monoxide ~~detectors~~ alarms in the vicinity of
19 any bedrooms in the dwelling in accordance with the manufacturer’s
20 instructions. In a dwelling provided with electrical power, ~~detectors~~ alarms
21 shall be powered by the electrical service in the building and by battery.

1 (b) Any single-family dwelling when transferred by sale or exchange shall
2 contain ~~photoelectric-only-type~~ photoelectric-type or UL 217 compliant smoke
3 ~~detectors~~ alarms in the vicinity of any bedrooms and on each level of the
4 dwelling installed in accordance with the manufacturer's instructions and one
5 or more carbon monoxide ~~detectors~~ alarms installed in accordance with the
6 manufacturer's instructions. A single-family dwelling constructed before
7 January 1, 1994 may contain smoke ~~detectors~~ alarms powered by the electrical
8 service in the building or by battery, or by a combination of both. In a single-
9 family dwelling newly constructed after January 1, 1994 that is provided with
10 electrical power, smoke ~~detectors~~ alarms shall be powered by the electrical
11 service in the building and by battery. In a single-family dwelling newly
12 constructed after July 1, 2005 that is provided with electrical power, carbon
13 monoxide ~~detectors~~ alarms shall be powered by the electrical service in the
14 building and by battery.

15 (c) Nothing in this section shall require an owner or occupant of a single-
16 family dwelling to maintain or use a smoke ~~detector~~ alarm or a carbon
17 monoxide ~~detector~~ alarm after installation.

18 § 2883. REQUIREMENTS FOR TRANSFER OF DWELLING

19 (a) The seller of a single-family dwelling, including one constructed for
20 first occupancy, whether the transfer is by sale or exchange, shall certify to the
21 buyer at the closing of the transaction that the dwelling is provided with

1 ~~photoelectric-only type~~ photoelectric-type or UL 217 compliant smoke
2 ~~detectors~~ alarms and carbon monoxide ~~detectors~~ alarms in accordance with this
3 chapter. This certification shall be signed and dated by the seller.

4 (b) If the buyer notifies the seller within 10 days by certified mail from the
5 date of conveyance of the dwelling that the dwelling lacks any ~~photoelectric-~~
6 ~~only type~~ photoelectric-type or UL 217 compliant smoke ~~detectors~~ alarms, or
7 any carbon monoxide ~~detectors~~ alarms, or that any ~~detector~~ alarm is not
8 operable, the seller shall comply with this chapter within 10 days after
9 notification.

10 * * *

11 Sec. 24. 20 V.S.A. § 2731 is amended to read:

12 § 2731. RULES; INSPECTIONS; VARIANCES

13 * * *

14 (j) ~~Detectors~~ Alarms. Rules adopted under this section shall require that
15 information written, approved, and distributed by the Commissioner on the
16 type, placement, and installation of ~~photoelectric~~ photoelectric-type or UL 217
17 compliant smoke ~~detectors~~ alarms and carbon monoxide ~~detectors~~ alarms be
18 conspicuously posted in the retail sales area where the ~~detectors~~ alarms are
19 sold.

20 * * *

1

2

3

4

5