

1 H.479

2 \* \* \* Housing Appeals \* \* \*

3 Sec. 8. 10 V.S.A. § 8502 is amended to read:

4 § 8502. DEFINITIONS

5 As used in this chapter:

6 \* \* \*

7 (7) “Person aggrieved” means a person who alleges an injury to a  
8 particularized interest protected by the provisions of law listed in section 8503  
9 of this title, attributable to an act or decision by a district coordinator, District  
10 Commission, the Secretary, an appropriate municipal panel, or the  
11 Environmental Division that can be redressed by the Environmental Division  
12 or the Supreme Court. For purposes of appeals pursuant to 24 V.S.A. chapter  
13 117, the injury allegedly shall be to a particularized interest protected by 24  
14 V.S.A. § 4302(c).

15 \* \* \*

16 (9) “Appropriate municipal panel” has the same meaning as 24 V.S.A.  
17 § 4303(3).

18 Sec. 9. 10 V.S.A. § 8504 is amended to read:

19 § 8504. APPEALS TO THE ENVIRONMENTAL DIVISION

20 \* \* \*

21 (b) Planning and zoning chapter appeals.

(1) Within 30 days of the date of the act or decision, an interested person, as defined in 24 V.S.A. § 4465, or a person aggrieved, who has participated as defined in 24 V.S.A. § 4471 in the municipal regulatory proceeding under that chapter may appeal to the Environmental Division an act or decision made under that chapter by ~~a board of adjustment, a planning commission, or a development review board~~ the appropriate municipal panel; provided, however, that decisions of a development review board under 24 V.S.A. § 4420 with respect to local Act 250 review of municipal impacts are not subject to appeal but shall serve as presumptions under chapter 151 of this title.

(h) De novo hearing. The Environmental Division, applying the substantive standards that were applicable before the tribunal appealed from, shall hold a de novo hearing on those issues that have been appealed, except in the case of:

\* \* \*

(k) Limitations on appeals. Notwithstanding any other provision of this section:

(1) there shall be no appeal from a District Commission decision when the Commission has issued a permit and no hearing was requested or held, or no motion to alter was filed following the issuance of an administrative amendment;

(2) a municipal decision regarding whether a particular application qualifies for a recorded hearing under 24 V.S.A. § 4471(b) shall not be subject to appeal;

(3) if a District Commission issues a partial decision under subsection 6086(b) of this title, any appeal of that decision must be taken within 30 days following the date of that decision; ~~and~~

(4) it shall be the goal of the Environmental Division to issue a decision on a case regarding an appeal of an appropriate municipal panel decision under 24 V.S.A. chapter 117 within 90 days following the close of the hearing; and

(5) except for cases the court considers of greater importance, appeals of an appropriate municipal panel decision under 24 V.S.A. chapter 117 involving housing development, take precedence on the docket over other cases and shall be assigned for hearing and trial or for argument accordingly.

\* \* \*

1 Sec. 10. 24 V.S.A. § 4465 is amended to read:

2 § 4465. APPEALS OF DECISIONS OF THE ADMINISTRATIVE OFFICER

3 (a) An interested person may appeal any decision or act taken by the  
4 administrative officer in any municipality by filing a notice of appeal with the  
5 secretary of the board of adjustment or development review board of that  
6 municipality or with the clerk of that municipality if no such secretary has been  
7 elected. This notice of appeal must be filed within 15 days following the date  
8 of that decision or act, and a copy of the notice of appeal shall be filed with the  
9 administrative officer.

10 (b) As used in this chapter, an “interested person” means any one of the  
11 following:

12 (1) A person owning title to property, or a municipality or solid waste  
13 management district empowered to condemn it or an interest in it, affected by a  
14 bylaw, who alleges that the bylaw imposes on the property unreasonable or  
15 inappropriate restrictions of present or potential use under the particular  
16 circumstances of the case.

17 (2) The municipality that has a plan or a bylaw at issue in an appeal  
18 brought under this chapter or any municipality that adjoins that municipality.

19 (3) A person owning or occupying property in the immediate  
20 neighborhood of a property that is the subject of any decision or act taken  
21 under this chapter, who can demonstrate a physical or environmental impact on

1 the person's interest under the criteria reviewed, and who alleges that the  
2 decision or act, if confirmed, will not be in accord with the policies, purposes,  
3 or terms of the plan or bylaw of that municipality.

4 (4) Any 20 persons who may be any combination of voters, residents, or  
5 real property owners within a municipality listed in subdivision (2) of this  
6 subsection who, by signed petition to the appropriate municipal panel of a  
7 municipality, the plan or a bylaw of which is at issue in any appeal brought  
8 under this title, allege that any relief requested by a person under this title, if  
9 granted, will not be in accord with the policies, purposes, or terms of the plan  
10 or bylaw of that municipality. This petition to the appropriate municipal panel  
11 must designate one person to serve as the representative of the petitioners  
12 regarding all matters related to the appeal. For purposes of this subdivision, an  
13 appeal shall not include the character of the area affected if the project has a  
14 residential component that includes affordable housing.

15 (5) Any department and administrative subdivision of this State owning  
16 property or any interest in property within a municipality listed in subdivision  
17 (2) of this subsection, and the Agency of Commerce and Community  
18 Development of this State.

19 (c) For purposes of an appeal of any act or decision by an appropriate  
20 municipal panel pursuant to subchapters 10 and 11, "interested person" shall  
21 not include subdivision (4) of subsection (b).

1        (d) In the exercise of its functions under this section, a board of adjustment  
2        or development review board shall have the following powers, in addition to  
3        those specifically provided for elsewhere in this chapter:

4            (1) To hear and decide appeals taken under this section, including where  
5        it is alleged that an error has been committed in any order, requirement,  
6        decision, or determination made by an administrative officer under this chapter  
7        in connection with the administration or enforcement of a bylaw.

8            (2) To hear and grant or deny a request for a variance under section  
9        4469 of this title.

10       Sec. 11. 24 V.S.A. § 4441 is amended to read:

11       § 4441. PREPARATION OF BYLAWS AND REGULATORY TOOLS;

12                    AMENDMENT OR REPEAL

13                                    \* \* \*

14        (i) Notwithstanding this section and any other law to the contrary, for  
15        bylaw amendments that are required to comply with amendments to this  
16        chapter, no hearings are required to be held on the bylaw amendments.