

1 An act relating to project-based tax increment financing ~~for housing~~  
2 ~~infrastructure~~

Commented [KS1]: Suggestions for new title/acronym that is not limited to housing?

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

4 Sec. 1. 24 V.S.A. chapter 53, subchapter 7 is added to read:

5 Subchapter 7. ~~Housing Infrastructure~~ Project-Based Tax Increment Financing

6 § 1906. DEFINITIONS

7 As used in this subchapter:

8 (1) “Brownfield” means a property on which the presence or potential  
9 presence of a hazardous material, pollutant, or contaminant complicates the  
10 expansion, development, redevelopment, or reuse of the property.

11 (2) “Committed” means pledged and appropriated for the purpose of the  
12 current and future payment of financing and related costs.

13 (3) “Developer” means the person or entity undertaking the  
14 development of ~~to develop~~ a project under this Subchapter. ~~housing~~  
15 ~~development.~~

16 (4) ~~“Financing” means debt, including principal, interest, and any fees~~  
17 ~~or charges directly related to that debt, incurred by a sponsor to pay for a~~  
18 ~~housing infrastructure project and, in the case of a sponsor that is a~~  
19 ~~municipality, authorized by the municipality pursuant to section 1910 of this~~  
20 ~~subchapter.~~

Commented [KS2]: Strike and replace with definition in TIF statute: “Financing” means debt incurred, including principal, interest, and any fees or charges directly related to that debt, or other instruments or borrowing used by a municipality to pay for a project, only if authorized by the legal voters of the municipality in accordance with section 1910 of this subchapter. Payment for the cost of improvements may also include direct payment by the municipality using the project increment. However, such payment is also subject to a vote by the legal voters of the municipality in accordance with section 1910 of this subchapter and, if not included in the project plan approved under subsection 1909 of this subchapter, is also considered a substantial change and subject to the review process provided by subdivision 1910 of this subchapter. If interfund loans within the municipality are used as the method of financing, no interest shall be charged. Bond anticipation notes may be used as a method of financing; provided, however, that bond anticipation notes shall not be considered a first incurrence of debt pursuant to subsection [?] of this subchapter.

1 ~~(5) “Housing development” means the construction of one or more~~  
2 ~~buildings in which at least 50 percent of the aggregate gross floor area upon~~  
3 ~~completion is dedicated to housing.~~

**Commented [KS3]:** Strike: Not feasible and an administrative burden to require VEPC staff to become surveyors and project managers. Definition should include mixed-use development based on the needs of municipalities.

4 ~~(6) “Housing development site” means the parcel or parcels~~  
5 ~~encompassing a housing development authorized by a municipality pursuant to~~  
6 ~~section 1907 of this subchapter.~~

7 ~~(7) “Housing infrastructure agreement” means a legally binding~~  
8 ~~agreement negotiated to develop a housing infrastructure project between a~~  
9 ~~municipality and a sponsor or developer, or both.~~

10 ~~(8) “Housing infrastructure project” means one or more improvements~~  
11 ~~authorized by a municipality pursuant to section 1907 of this subchapter.~~

12 (9) “Improvements” means:

13 ~~(A) the installation or construction of infrastructure, including~~  
14 ~~utilities, transportation, parking, public facilities and amenities, land and~~  
15 ~~property acquisition and demolition, brownfield remediation, site preparation,~~  
16 ~~and flood remediation and mitigation; and~~

17 ~~(B) the funding of debt service interest payments for a period of up to~~  
18 ~~three years, beginning on the date on which the debt is first incurred.~~

**Commented [KS4]:** Strike A & B and insert:  
“Improvements” means the installation, new construction, or reconstruction that will serve a public purpose, including but not limited to housing, flood resiliency, flood mitigation, brownfield remediation, utilities, digital infrastructure, transportation, public recreation, commercial and industrial facilities, public facilities and amenities, land and property acquisition and demolition, and site preparation. For remediation of a brownfield, this shall include the cost of the site preparation needed to stimulate development or redevelopment in the development site as identified in clean-up documentation approved by the Vermont Agency of Natural Resources. “Improvements” also means the funding of debt service interest payments for a period of up to four years, beginning on the date on which the debt is first incurred.  
Rationale: We want to give municipalities the opportunity to generate increment in the first years of the project.

19 (10) “Legislative body” means the mayor and alderboard, the city  
20 council, the selectboard, and the president and trustees of an incorporated  
21 village, as appropriate.

1           (11) “Municipality” means a city, town, or incorporated village.

2           (12) “Original taxable value” means the total valuation as determined in  
3 accordance with 32 V.S.A. chapter 129 of all taxable real property located  
4 within a ~~housing~~ development site and adjoining parcels as of its creation date,  
5 provided that no parcel within the project shall be divided or ~~bisected~~.

6           (13) “Related costs” means expenses incurred and paid by a  
7 municipality or developer, exclusive of the actual cost of constructing and  
8 financing improvements, that are directly related to the creation and  
9 implementation of the ~~municipality’s housing infrastructure~~ project, including  
10 reimbursement of sums previously advanced by the municipality or developer  
11 for those purposes. Related costs may include direct municipal expenses such  
12 as departmental or personnel costs related to creating or administering the  
13 ~~housing infrastructure~~ project. These restricted related costs may be ~~to the~~  
14 ~~extent they are~~ paid from the tax increment realized ~~from~~by the municipality  
15 ~~and not education taxes~~ and using only that portion of the municipal increment  
16 above the percentage required for serving debt as determined in accordance  
17 with subsection 1910b(b) of this subchapter.

18           (14) “Sponsor” means the person undertaking to finance a ~~housing~~  
19 ~~infrastructure~~ project. Any of a municipality, a developer, or an independent  
20 agency that meets State lending standards may serve as a sponsor for a ~~housing~~  
21 ~~infrastructure~~ project.

**Commented [KS5]:** This language is consistent with current TIF statute and allows VEPC to maintain consistent practices and procedures.

1 § 1907. CREATION OF HOUSING INFRASTRUCTURE PROJECT AND  
2 HOUSING DEVELOPMENT SITE

3 (a) The legislative body of a municipality may create within its jurisdiction  
4 an housing infrastructure project, which shall consist of improvements that  
5 stimulate the expansion, development, redevelopment, or reuse of approved  
6 parcels where approved development or redevelopment is occurring, of  
7 housing, and a housing development site, which shall consist of the parcel or  
8 parcels on which a housing development is installed or constructed.

9 (b) To create an housing infrastructure project which includes the and  
10 housing development site, a municipality shall:

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

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

14 (B) identification of a sponsor;

15 (C) a financing plan for the proposed housing infrastructure project;

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

18 (E) a projection of the tax increment to be generated by the proposed  
19 housing development; and

**Commented [KS6]:** Rationale: We want to expand the ability of a municipality to meet the development needs of its individual communities.

**Commented [KS7]:** Strike and replace with language for TIF Financing Plan: The TIF Financing Plan must contain: • A statement of costs and sources of revenue; • Estimates of assessed values within the district; • The portion of those assessed values to be applied to the proposed improvements; • The resulting tax increments in each year of the financial plan; • The amount of bonded indebtedness or other financing to be incurred; • Other sources of financing and anticipated revenues; and • The duration of the financial plan.

1 (F) a development schedule that includes a list, a cost estimate, and a  
2 schedule for the proposed housing infrastructure project and the proposed  
3 housing development;

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

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

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

13 (c) The creation of a project housing development site shall occur at 12:01  
14 a.m. on April 1 of the calendar year in which the Vermont Economic Progress  
15 Council approves the use of tax increment financing for the housing  
16 infrastructure project pursuant to section 1909 of this subchapter.

17 § 1908. HOUSING INFRASTRUCTURE PROJECT AGREEMENT

18 (a) The housing infrastructure agreement for an housing infrastructure  
19 project shall:

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

1           (2) clearly identify the developer and ~~the housing~~ development for the  
2           ~~housing~~ development site;

3           (3) obligate the tax increments retained pursuant to section 1910b of this  
4           subchapter for not more than the financing and related costs for the ~~housing~~  
5           ~~infrastructure~~ project; and

6           (4) ensure the municipality pursuing the ~~housing infrastructure~~ project is  
7           protected against developer or sponsor failure to perform.

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

12           § 1909. HOUSING INFRASTRUCTURE PROJECT APPLICATION;

13           VERMONT ECONOMIC PROGRESS COUNCIL

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

17           (b) The Vermont Economic Progress Council may approve only  
18           applications meeting the standards of this section. ~~Staff of the Council may~~  
19           ~~approve applications submitted to meet either location criterion of subdivisions~~  
20           ~~(d)(2)(A) – (B) of this section, but applications submitted to meet either location~~

**Commented [KS8]:** Rationale: VEPC is the only body approved in statute to review applications. This language is beyond the scope of the role of the staff.

1 ~~critierion of subdivisions (d)(2)(C) (D) of this section shall require approval of~~  
2 ~~the board.~~

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

6 (1) ~~created a housing infrastructure~~ project and ~~housing~~ development  
7 site pursuant to section 1907 of this subchapter;

8 (2) ~~executed an housing infrastructure~~ agreement for the ~~housing~~  
9 ~~infrastructure~~ project adhering to the standards of section 1908 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 1910b of this subchapter.

15 (d) The Vermont Economic Progress Council shall review a municipality's  
16 ~~housing infrastructure~~ project application to determine whether the ~~housing~~  
17 ~~development plan meets one of the following six criteria:~~

18 (1) ~~at least 50 percent of the gross floor area of the projected housing~~  
19 ~~development is dedicated to housing; and~~

20 (2) ~~the housing development site is located within one of the following~~  
21 ~~areas:~~

**Commented [KS9]:** Strike these criteria and insert:  
(i) The development will improve flood resiliency by protecting the functions of watersheds, adapting critical infrastructure or enhancing emergency preparedness.  
(ii) The development will include the purchase and improvement of flood-prone property or mitigate flood damage by elevating, floodproofing or relocating existing structures or creating new, elevated, comparable structures.  
(iii) The development includes new or rehabilitated housing.  
(iv) The project will affect the remediation and redevelopment of a Brownfield.  
(v) The development will include at least one entirely new business or business operation or expansion of an existing business within the project, and this business will provide new, quality, full-time jobs that meet or exceed the prevailing wage for the region as reported by the Department of Labor.  
(vi) The development will enhance transportation and public recreation by creating improved traffic patterns and flow or creating or improving public transportation systems including development of recreational trail systems.  
Rationale: If Tier 1 limit is included, the statute will exclude the rural nature of our proposal.

1 ~~(A) an area designated Tier 1 pursuant to 10 V.S.A. chapter 151;~~

2 ~~(B) an area exempt from the provisions of 10 V.S.A. chapter 151~~

3 ~~pursuant to 10 V.S.A. § 6081(dd);~~

4 ~~(C) an existing settlement as that term is defined in 10 V.S.A.~~

5 ~~§ 6001(16); or~~

6 ~~(D) an area within one half mile of an existing settlement as that term~~

7 ~~is defined in 10 V.S.A. § 6001(16).~~

8 (e) The Vermont Economic Progress Council shall approve a

9 municipality's tax increment financing plan prior to a ~~municipality sponsor's~~

10 ~~incurrence of debt for the housing infrastructure project, including, if the~~

11 ~~sponsor is a municipality, prior to a public vote to pledge the credit of the~~

12 ~~municipality under section 1910 of this subchapter. The tax increment~~

13 ~~financing plan shall include all information related to the proposed financing~~

14 ~~necessary for approval by the Council and to ensure its viability and~~

15 ~~consistency with the housing development plan developed pursuant to section~~

16 ~~1907 of this subchapter.~~

17 § 1910. INDEBTEDNESS

18 (a) A municipality approved for tax increment financing under section

19 1909 of this subchapter may incur indebtedness against revenues to pay for

20 ~~improvements and related costs for the project development of the housing~~

21 ~~development site at any time during a period of up to three years following the~~

**Commented [KS10]:** Insert new section below:  
Any and all indebtedness shall be incurred within five years from the date of approval by the Vermont Economic Progress Council. A bond anticipation note is not considered a first or last incurrence of debt. The Vermont Economic Progress Council may extend the period of time to incur debt for a period not to exceed three years.



1 ~~creation of the housing development site. If no debt is incurred for the housing~~  
2 ~~infrastructure project during this three year period, whether by the~~  
3 ~~municipality or sponsor, the housing development site shall terminate.~~

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

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

13 (d) The ~~housing~~ development site shall continue until the date and hour the  
14 indebtedness is retired or, if no debt is incurred, three years following the  
15 creation of the ~~housing~~ development site.

16 (e) A municipal legislative body shall provide information to the public  
17 prior to the public vote required under subsection (b) of this section. This  
18 information shall include the amount and types of debt and related costs to be  
19 incurred, including principal, interest, and fees; terms of the debt; the ~~housing~~  
20 ~~infrastructure~~ project to be financed; the ~~housing~~ development projected to  
21 occur because of the ~~housing infrastructure~~ project; and notice to the voters

1 that if the tax increment received by the municipality from any property tax  
2 source is insufficient to pay the principal and interest on the debt in any year,  
3 the municipality shall remain liable for the full payment of the principal and  
4 interest for the term of the indebtedness. If interfund loans within the  
5 municipality are used, the information must also include documentation of the  
6 terms and conditions of the loan. If interfund loans within the municipality are  
7 used as the method of financing, no interest shall be charged.

8 § 1910a. ORIGINAL TAXABLE VALUE; TAX INCREMENT

9 (a) As of the date the project is approved by the Vermont Economic  
10 Progress Councilthe housing development site is created, the lister or assessor  
11 for the municipality shall certify the original taxable value and shall certify to  
12 the Vermont Economic Progress Councilthe legislative body in each year  
13 thereafter during the life of the projecthousing development site the amount by  
14 which the total valuation as determined in accordance with 32 V.S.A. chapter  
15 129 of all taxable real property within the project housing development site has  
16 increased or decreased relative to the original taxable value.

17 (b) In each year following the approval of the projectThroughout the life of  
18 the housing development site, the lister or assessor shall include not more than  
19 the original taxable value of the real property in the assessed valuation upon  
20 which the treasurer computes the rates of all taxes levied by the municipality  
21 and every other taxing district in which the projecthousing development site is

1 situated, but the treasurer shall extend all rates so determined against the entire  
2 assessed valuation of real property for that year.

3 (c) In each yearThroughout the life of the housing development site, a  
4 municipality shall remit not less than the aggregate education property tax due  
5 on the original taxable value to the Education Fund.

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

12 (e) Not more than the percentages established pursuant to section 1910b of  
13 this subchapter of the municipal and State education tax increments received  
14 with respect to the projecthousing development site and committed for the  
15 payment for financing for improvements and related costs shall be segregated  
16 by the municipality in a special tax increment financing account and in its  
17 official books and records until all capital indebtedness incurred for the  
18 housing infrastructure project has been fully paid. The final payment shall be  
19 reported to the treasurer, who shall thereafter include the entire assessed  
20 valuation of the project-housing development site in the assessed valuations  
21 upon which the municipal and other tax rates are computed and extended, and

1 thereafter no taxes from the ~~projecthousing development~~ site shall be deposited  
2 in the special tax increment financing account.

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

10 § 1910b. USE OF TAX INCREMENT; RETENTION PERIOD

11 (a) Education property tax increment. For only debt incurred within the  
12 period permitted under subsection 1910(a) of this subchapter, ~~-after the~~  
13 Vermont Economic Progress Council approves the project~~and related costs~~, up  
14 to 80 percent of the education property tax increment may be retained to  
15 service the debt and related costs for up to 20 years, beginning with the first  
16 year in which debt is incurred for the project. Upon incurring the first debt, a  
17 municipality shall notify the Department of Taxes and the Vermont Economic  
18 Progress Council of the beginning of the retention period of the education tax  
19 increment. ~~on July 1 of the year following the first incurrence of debt by a~~  
20 sponsor.

1           **(b) Municipal property tax increment.** For only debt incurred within the  
2 period permitted under subsection 1910(a) of this subchapter ~~after the Vermont~~  
3 ~~Economic Progress Council approves the project and related costs,~~ not less than  
4 ~~one hundred percent~~ ~~the percentage~~ of education property tax increment shall  
5 ~~be retained to service debt and related costs beginning with the first year in~~  
6 ~~which debt is incurred for the project,~~ pursuant to subsection (a) of this section  
7 ~~of the municipal property tax increment may be retained, beginning on July 1~~  
8 ~~of the year following the first incurrence of debt by a sponsor.~~

**Commented [KS11]:** Rationale: Municipality should be able to use 100% of the increment to pay down the debt. The projects are small and require as much increment as possible to pay down the debt.

**Commented [KS12]:** Insert new section below: Retention of tax increment shall continue until all debt is retired.

9           **(c) Excess tax increment.**

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

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

15                   **(B) to place in a special tax increment financing account required**  
16 **pursuant to subsection 1910a(e) of this subchapter and use for future financing**  
17 **payments; or**

18                   **(C) to use for defeasance of the financing.**

19           **(2) Any remaining portion of the excess education property tax**  
20 **increment shall be distributed to the Education Fund. Any remaining portion**  
21 **of the excess municipal property tax increment shall be distributed to the city.**

1 town, or village budget in the proportion that each budget bears to the  
2 combined total of the budgets unless otherwise negotiated by the city, town, or  
3 village.

4 § 1910c. INFORMATION REPORTING

5 (a) ~~A municipality with an approved project pursuant to this section~~  
6 ~~housing infrastructure project shall:~~

7 (1) ~~develop a system, segregated for the housing infrastructure project,~~  
8 ~~to identify, collect, and maintain all data and information necessary to fulfill~~  
9 ~~the reporting requirements of this section, including performance measures;~~

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

17 (3) ~~annually on or before October 15, submit on a form prescribed by~~  
18 ~~the Vermont Economic Progress Council an annual report to the Council and~~  
19 ~~the Department of Taxes, including the information required by subdivision (2)~~  
20 ~~of this subsection if not previously submitted, the information required for~~  
21 ~~annual audit under section 1910d of this subchapter, and any information~~

**Commented [KS13]:** Who is creating performance measures? Legislature? Or does VEPC have the ability to create them? And if so, we should enumerate them in statute?

**Commented [KS14]:** Strike and insert:  
Provide, as required by events, notification to the Vermont Economic Progress Council and the Department of Taxes regarding any project debt obligations, public votes, or votes by the municipal legislative body immediately following such obligation or vote on a form prescribed by the Council, including copies of public notices, agendas, minutes, vote tally, and a copy of the information provided to the public pursuant to subsection 1910(e) of this subchapter; and

**Commented [KS15]:** Strike and insert:  
annually on or before January 1, ensure that the project account required by subdivision 2 of this subsection is subject to the annual audit prescribed in section 1910d of this subchapter. Procedures must include verification of the original taxable value and annual and total municipal and education tax increments generated, expenditures for debt and related costs, and current balance.

1 required by the Council or the Department of Taxes for the report required  
2 pursuant to subsection (b) of this section.

3 (b) Annually on or before April 1~~January 1~~, the Vermont Economic  
4 Progress Council and the Department of Taxes shall submit a report to the  
5 Senate Committees on Economic Development, Housing and General Affairs  
6 and on Finance and the House Committees on Commerce and Economic  
7 Development and on Ways and Means on ~~housing infrastructure~~ projects  
8 approved pursuant to this subchapter, including for each:

9 (1) the date of approval;

10 (2) a description of the ~~housing infrastructure~~ project;

11 (3) the original taxable value of the ~~projecthousing development~~ site;

12 (4) the scope and value of projected and actual improvements and  
13 developments in the ~~projecthousing development~~ site;

14 (5) projected and actual incremental revenue amounts;

15 (6) the allocation of incremental revenue;

16 (7) projected and actual financing;

17 (8) performance measures as may be developed by the Vermont  
18 Economic Progress Council; and

19 (9) the amount of infrastructure work performed by Vermont firms.

**Commented [KS16]:** Rationale: Should be April 1 to be consistent with current TIF reporting.

**Commented [KS17]:** What are these measures that VEPC will impose on the municipalities?

1 § 1910d. AUDITING

2 Annually on or before April 1 until the year following the end of the period  
3 for retention of education property tax increment, a municipality with a  
4 ~~housing infrastructure~~ project approved under this subchapter shall ensure that  
5 the ~~housing infrastructure~~ project is subject to the annual audit prescribed in  
6 section 1681 or 1690 of this title and submit a copy to the Vermont Economic  
7 Progress Council. If a ~~housing infrastructure~~ project is subject only to the  
8 audit under section 1681 of this title, the Council shall ensure a process is in  
9 place to subject the ~~housing infrastructure~~ project to an independent audit.  
10 Procedures for the audit must include verification of the original taxable value  
11 and annual and total municipal and education property tax increments  
12 generated, expenditures for financing and related costs, and current balance.

13 § 1910e. GUIDANCE *maintain existing TIF language below.*

14 (a) The Secretary of Commerce and Community Development, after  
15 reasonable notice to a municipality and an opportunity for a hearing, may issue  
16 decisions to a municipality on questions and inquiries concerning the  
17 administration of housing infrastructure projects, statutes, rules,  
18 noncompliance with this subchapter, and any instances of noncompliance  
19 identified in audit reports conducted pursuant to section 1910d of this  
20 subchapter.



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

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

15       (d) The Vermont Economic Progress Council may adopt rules that are  
16       reasonably necessary to implement this subchapter.

17       Sec. 2. 32 V.S.A. § 3325 is amended to read:

18       § 3325. VERMONT ECONOMIC PROGRESS COUNCIL

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

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

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

5 (3) project-based housing infrastructure tax increment financing pursuant  
6 to 24 V.S.A. chapter 53, subchapter 7.

7 \* \* \*

8 (g) Decisions not subject to review. A decision of the Council to approve  
9 or deny an application under subchapter 2 of this chapter, ~~or~~ to approve or  
10 deny a tax increment financing district pursuant to 24 V.S.A. chapter 53,  
11 subchapter 5 and section 5404a of this title, or to approve or deny a housing  
12 infrastructure project pursuant to 24 V.S.A. chapter 53, subchapter 7 is an  
13 administrative decision that is not subject to the contested case hearing  
14 requirements under 3 V.S.A. chapter 25 and is not subject to judicial review.

15 Sec. 3. EFFECTIVE DATE

16 This act shall take effect on July 1, 2025.