

**LET'S**  
**BUILD HOMES**

**Senate Natural Resources Committee**  
**March 10, 2026**

# Comprehensive Solution To Address Permit Appeals In Areas Targeted for Housing Growth

**The recent LURB Act 250 Appeals Report noted support for “by-right” permitting where housing projects bypass discretionary development review:**

- This concept of “by right” permits under certain conditions was advocated for by many of our housing expert stakeholders and was supported by VNR as a compelling idea that needs more time and discussion as it could speed up the production of housing in an effective way.

**Multiple by right approaches being discussed:**

- Governor’s 802 Homes program
- New state mandates

**LBH proposes a comprehensive solution: ROOT Zones**

# Recent developments

- Public Interest in 802 Homes proposal is growing
- Era of federal zoning reform has begun
  - ROAD to Homes Act Is Nearing Passage
  - Respected bi-partisan think tank EIG released Right to Build Zones proposal
- Vermonters want action

## Vermont develops catalog of prevetted home designs for faster building

Vermont Public | By Carly Berlin

Published February 11, 2026 at 5:00 AM EST



# Recommendations for S.325 Report

- Instead of appeals reform generally focus report specifically on the opportunities for reducing the negative impacts of discretionary review in Tier 1 areas
- Charge Department of Housing and Community Development with completing a report by January 15, 2027 that:
  - Identifies options for expanding implementation of 802 Homes program
  - Evaluates whether the state should create a Vermont Model Code to assist municipalities seeking to replace discretionary review with clear and objective standards
  - Assesses the potential value of the federal Right To Build Zone legislation and steps the state can take to maximize that value
  - Considers what financial incentives and planning assistance the state can offer municipalities seeking to limit discretionary review
  - Recommends legislative action needed (if any)
- Include Let's Build Homes in consultation committee
- Targets 2027 for implementation

# Right to Build Zones

- [Economic Innovation Group concept paper](#) focused on “prohibiting discretionary review processes that commonly delay or suppress development.”
- By-right approvals are granted 28% faster than discretionary reviews
- Among multifamily projects subject to discretionary permitting, [median time in the permitting process ranged from 7.5 months in Boston to 33 months in San Francisco](#)
- The Biden-Harris Administration's [PRO Housing program](#) explicitly identified reforming discretionary design review and increasing by-right permitting as a core national housing strategy, awarding \$85M in grants to communities willing to make that change

## Right to Build Zones Concept Paper

By Adam Ozimek, Jess Remington, and Tina Lee

### Introduction

A tangle of regulations has made it impossible to build enough housing in America, a problem that has been worsening for decades. The result is a nationwide shortfall of millions of homes, rising housing costs, and growing pressure on federal policymakers to address an affordability crisis that is largely driven by rules set at the local level.

This paper introduces **Right to Build Zones**, a new federal policy tool designed to help municipalities unlock housing supply while preserving local control.

Right to Build Zones (RBZs) are motivated by two persistent challenges that have undermined recent zoning reform efforts:

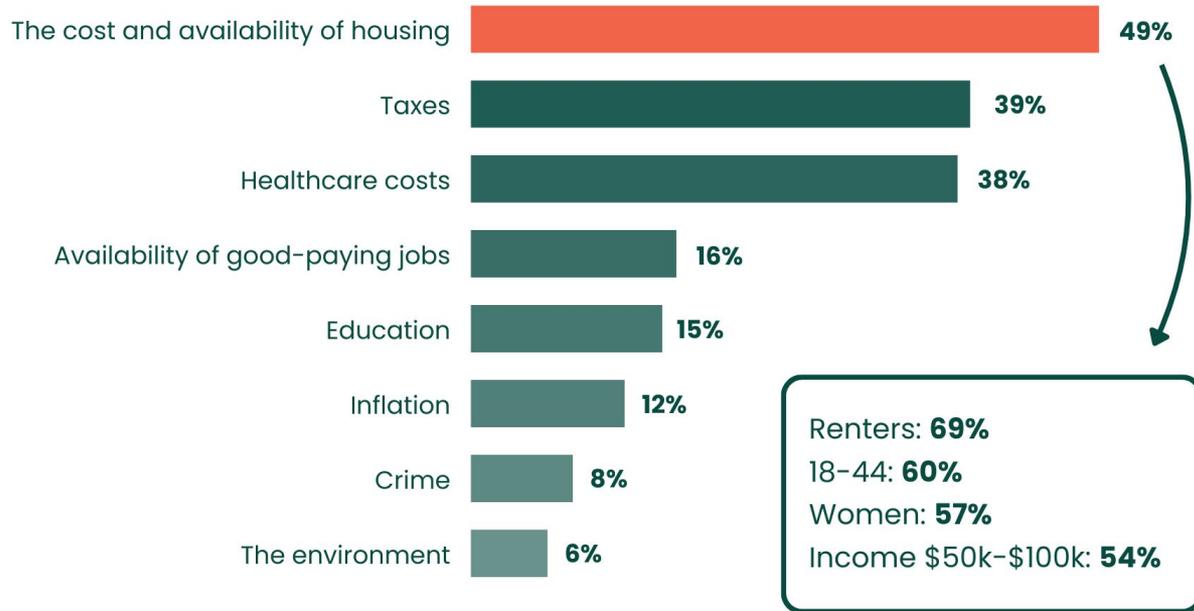
1. Municipality-wide zoning reforms are frequently stalled by a small but highly motivated group of opponents who resist changes they believe will affect their immediate neighborhoods.
2. Even when local governments enact nominal reforms — such as legalizing duplexes or Accessory Dwelling Units — the impacts are often blunted by a complex and bureaucratic web of zoning and permitting processes rife with chokepoints and poison pills.<sup>1</sup>

These dynamics have repeatedly limited the scale and durability of local reform, but we believe there is a path to solving the housing crisis in spite of them.

In many jurisdictions, opposition to new housing is not uniformly distributed geographically. Cities and towns often have specific areas where new development is broadly desirable, or at least palatable: they range from central business districts and transit stops to vacant shopping centers and greenfields.

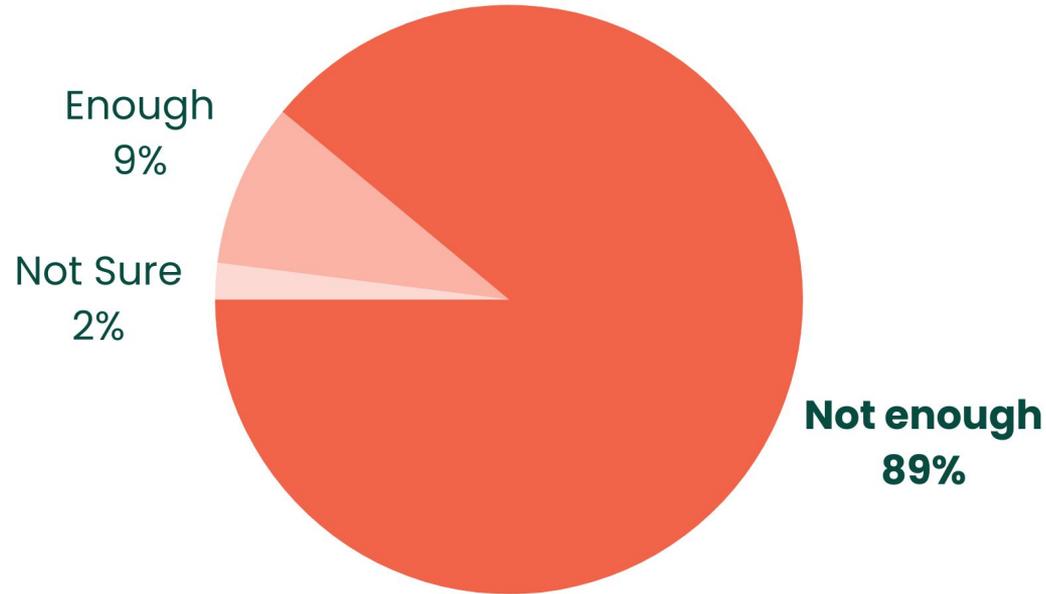
# Housing is the #1 issue in Vermont.

49% of voters named housing as a top concern, beating out taxes, healthcare, jobs, and every other issue tested.



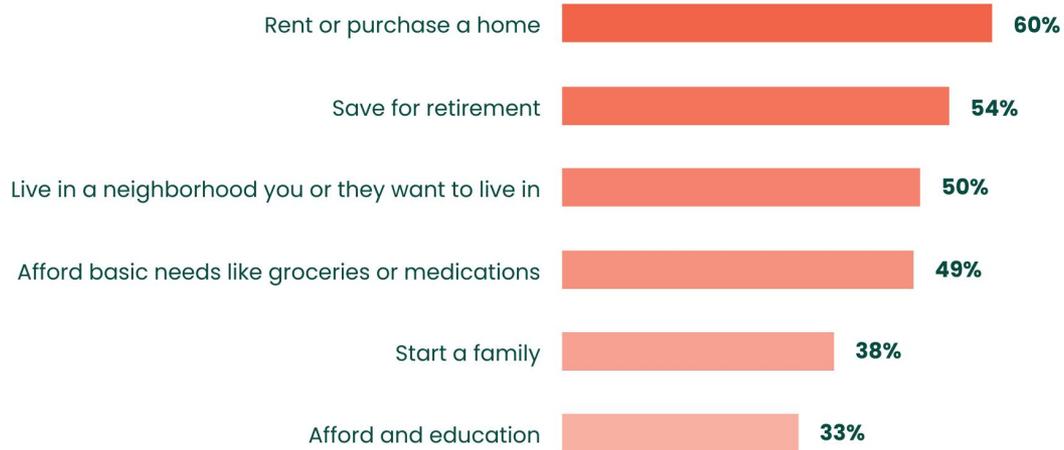
*"Most important issues or challenges facing Vermont" (1 to 2 chosen)*

**There is no debate among Vermonters: there is not enough housing that people can afford.**



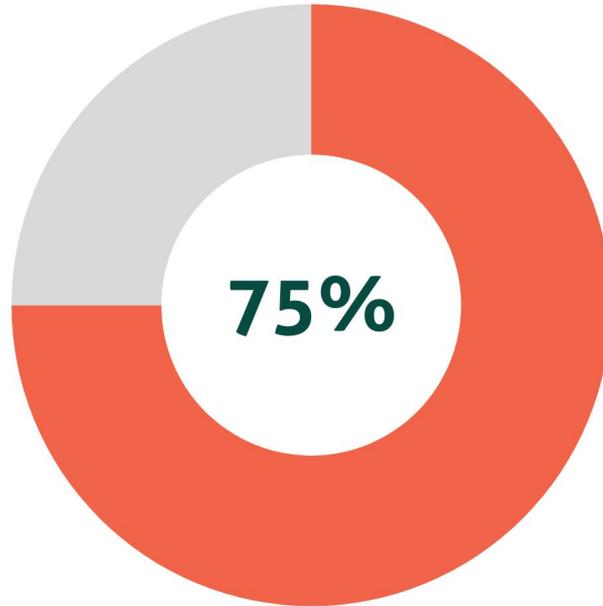
*"Generally speaking, do you think Vermont has enough homes that are affordable for average people to buy or rent, or not enough?"*

## The cost of housing has real and extensive downstream effects on people's lives



*“Have housing costs had a negative impact on your ability, or the ability of anyone you know in your community in Vermont, to do any of the following?”*

**75% of Vermont voters say the legislature  
should take action on housing**



# Appeals Reform Case Study: 2018 Burlington Downtown Code

- **Burlington code attempted to comprehensively replace subjective discretionary board decisions with clear and objective standards**
- **Since adoption: zero development permit appeals**
- **The code wasn't perfect.** It's overly prescriptive on design standards and micromanages certain project details
- **But it worked.** Form-Based Code has been a policy driver of increased housing production in Burlington

**Since 2018**

**0\***

**Permit Appeals**

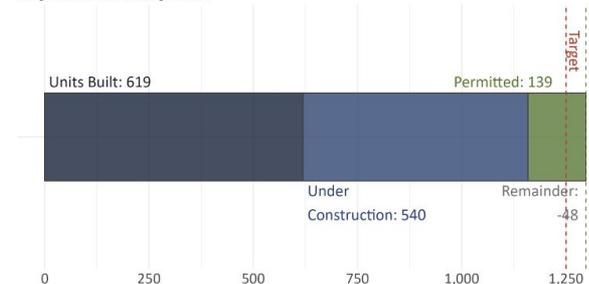
in downtown Burlington since  
Form-Based Code adoption

(\*One appeal began before  
new code adoption +  
continued)

**804**

**Homes Permitted**

Housing Goal: 1,250 Units in 5 Years  
Progress in 2022 through 2026



# How ROOT Zones Would Be Implemented

**1**

## **State Creates Code**

Model Vermont Code with clear, objective standards

**2**

## **Towns Adopt**

Municipalities and choose to pursue and plan a ROOT Zone

**3**

## **State Reviews**

Verify zones meet state standards. Towns are eligible for planning support and other benefits

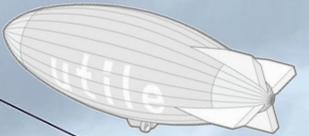
**4**

## **Streamlined Approval**

Certification of Compliance – no hearing, no subjective decisions, no grounds for appeal

## **The Result: More Homes, Faster**

ROOT Zones eliminate the largest remaining regulatory barrier to new home production while ensuring beloved, walkable, New England Neighborhoods



# Intro To ROOT Zones:

## What Could Be In A Vermont Model Code?



Legislative Stakeholders

# ROOT Zones: Residential Opportunity Overlay for Towns

**ROOT Zones empower Vermont communities to unlock housing production by replacing discretionary hearings with clear, objective rules**

## **Dramatically Reduce Permit Appeals**

Replace discretionary review with transparent certification process in Tier 1 areas

## **Local Democracy Up-Front**

Communities set zone locations and development intensity during planning, not project-by-project

## **Every Town Gets a Path**

Give all municipalities, large and small, tools to meet state housing targets with technical and financial support

## **Protect What Matters**

Ensure good design and protect critical public interests through form-based Vermont code and objective standards

# Vermont Residential Typologies



Vermont has a wide range of unique missing middle multi-family typologies that fit within a specific building footprint dimension.

# Homes for All Prototypes (Vermont 802 Homes)



Age-In-Place



Narrow Lot



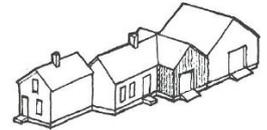
Village



Side-by-Side



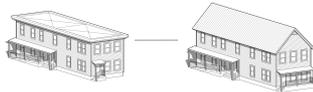
“Telescoping Home”  
Aggregation Pattern



*Illustration Credit: Big House, Little House, Back House, Barn: The Connected Farm Buildings of New England by Thomas C. Hubka*



Variants on Base Model



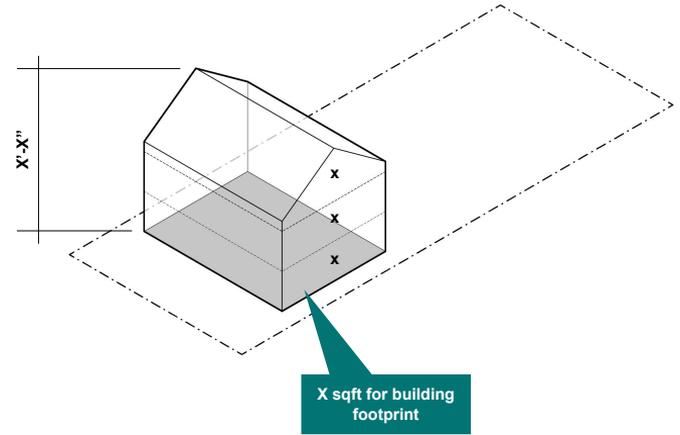
Variants on Base Model

Home typologies were discovered and developed to fit a variety of communities and sites.

# Form-based Lite Zoning Approach

## Simplified Set of Rules

A lean FBC framework regulates urban form through the following principal mechanisms:



**1 Building Footprint**  
Sets the maximum area per story

**2 Building Height**  
Sets the maximum height in stories/feet

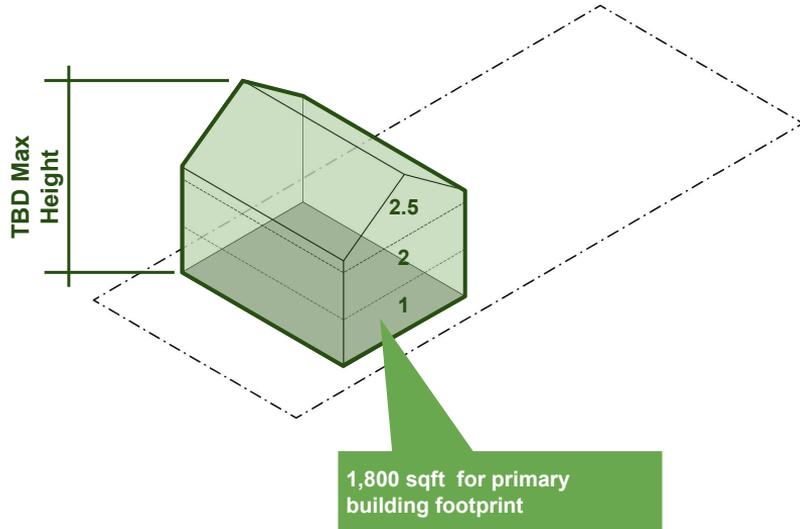
**3 Roof Form**  
Provides options for a flat or pitched roof half-story

# Potential Footprint Standards

A combination of footprint maximums, building height, and number of stories controls the form and mass of a new primary and back lot buildings

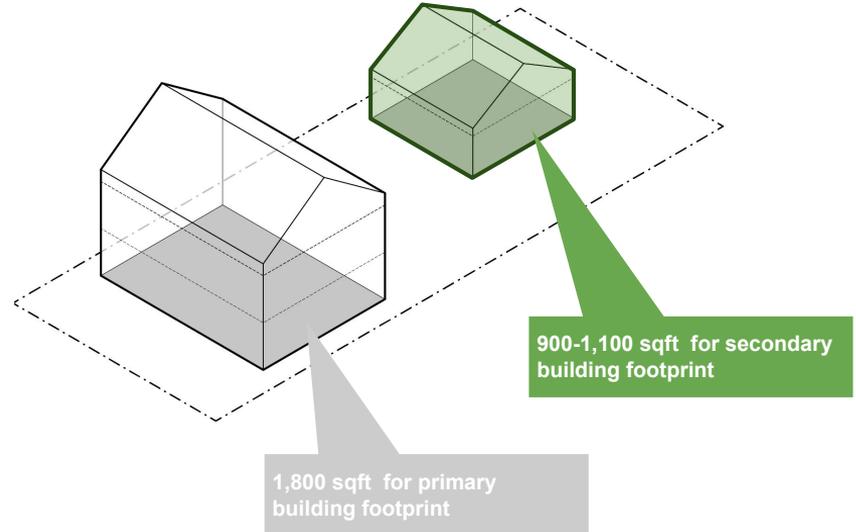
## Primary buildings on a lot

- 1,500-1,800 sqft max footprint
- 2.5 max stories
- TBD max height rules



## Secondary or back lot buildings on a lot

- 900 - 1,100 sqft max footprint
- 2.5 max stories
- TBD max height rules



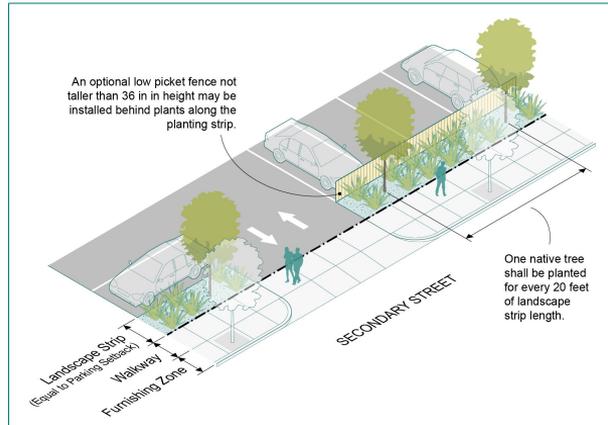
# Parking Placement

## Additional Design Standards

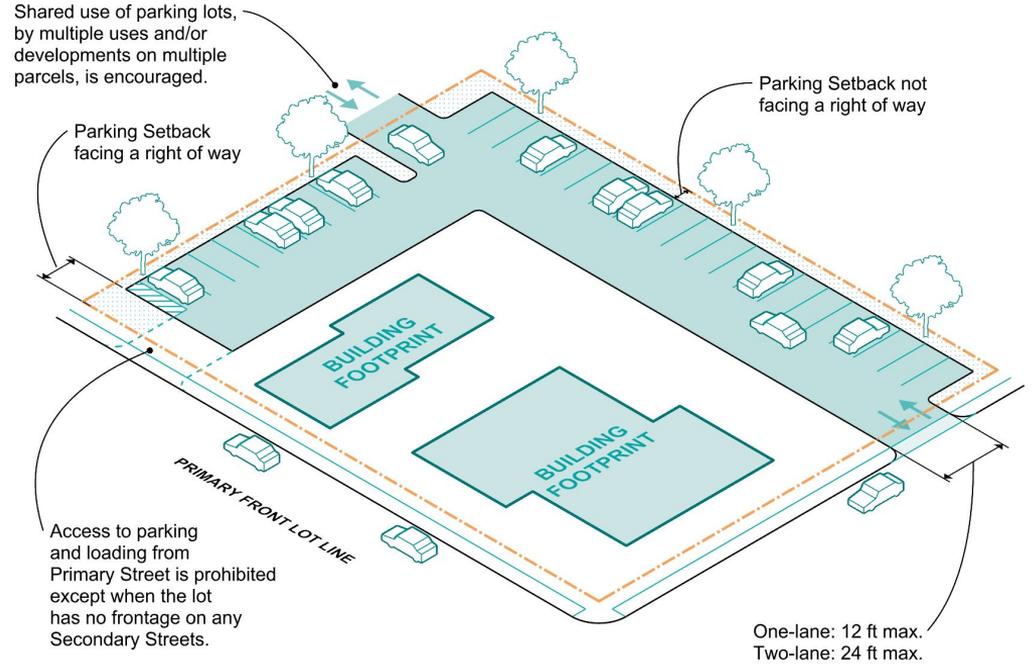
**Parking placement** standards create a more pedestrian-oriented and lively streetscape by limiting parking toward the side or rear of a site.

Proposed **parking standards** include:

- Parking setbacks
- Parking access
- Curb cuts and driveway width/location
- Screening

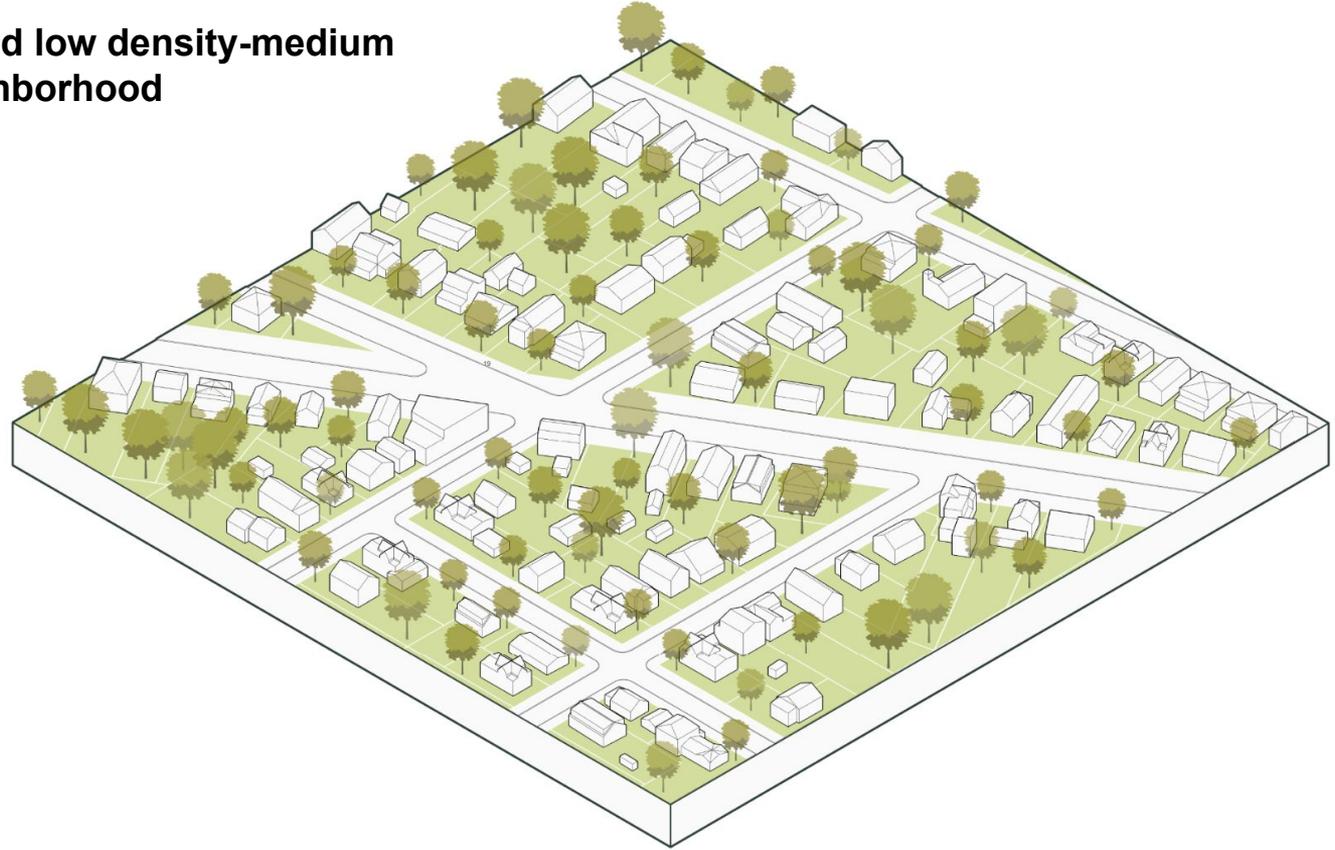


Landscape Strip



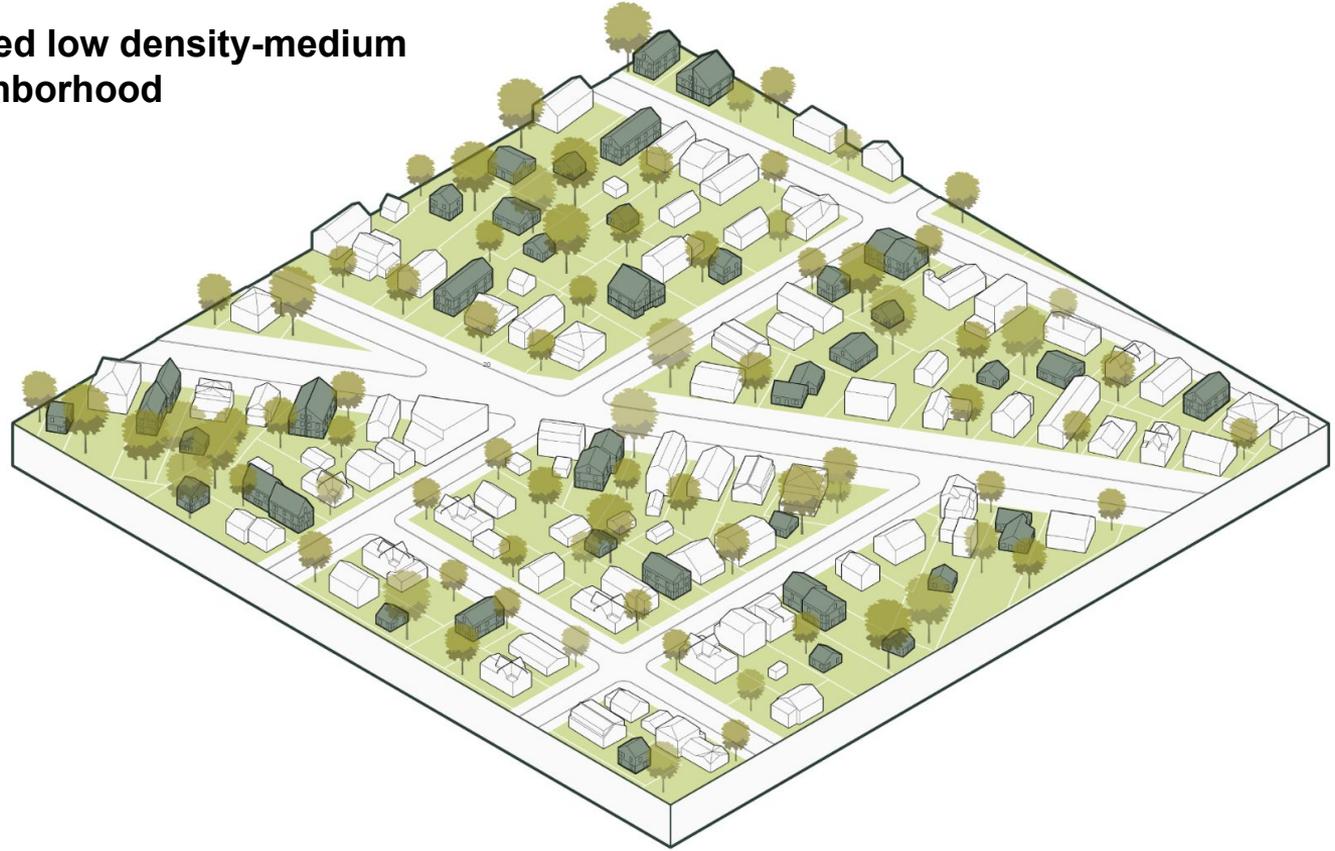
# Design Flexibility Catered to Neighborhoods

**Existing fabric in a mixed low density-medium density residential neighborhood**



# Design Flexibility Catered to Neighborhoods

Potential fabric in a mixed low density-medium density residential neighborhood



# Transects are

## Case Study: Newton, MA “Village Center” Zoning

### Existing Zoning

- Business (BU)
- Manufacturing (LM, M)
- Multi-Residence (MR)
- Single Residence (SR)
- Mixed Use (MU)
- Public Use & Open Space (PU, OS/R)

### Proposed Zoning

#### Village Center 3 (VC3)

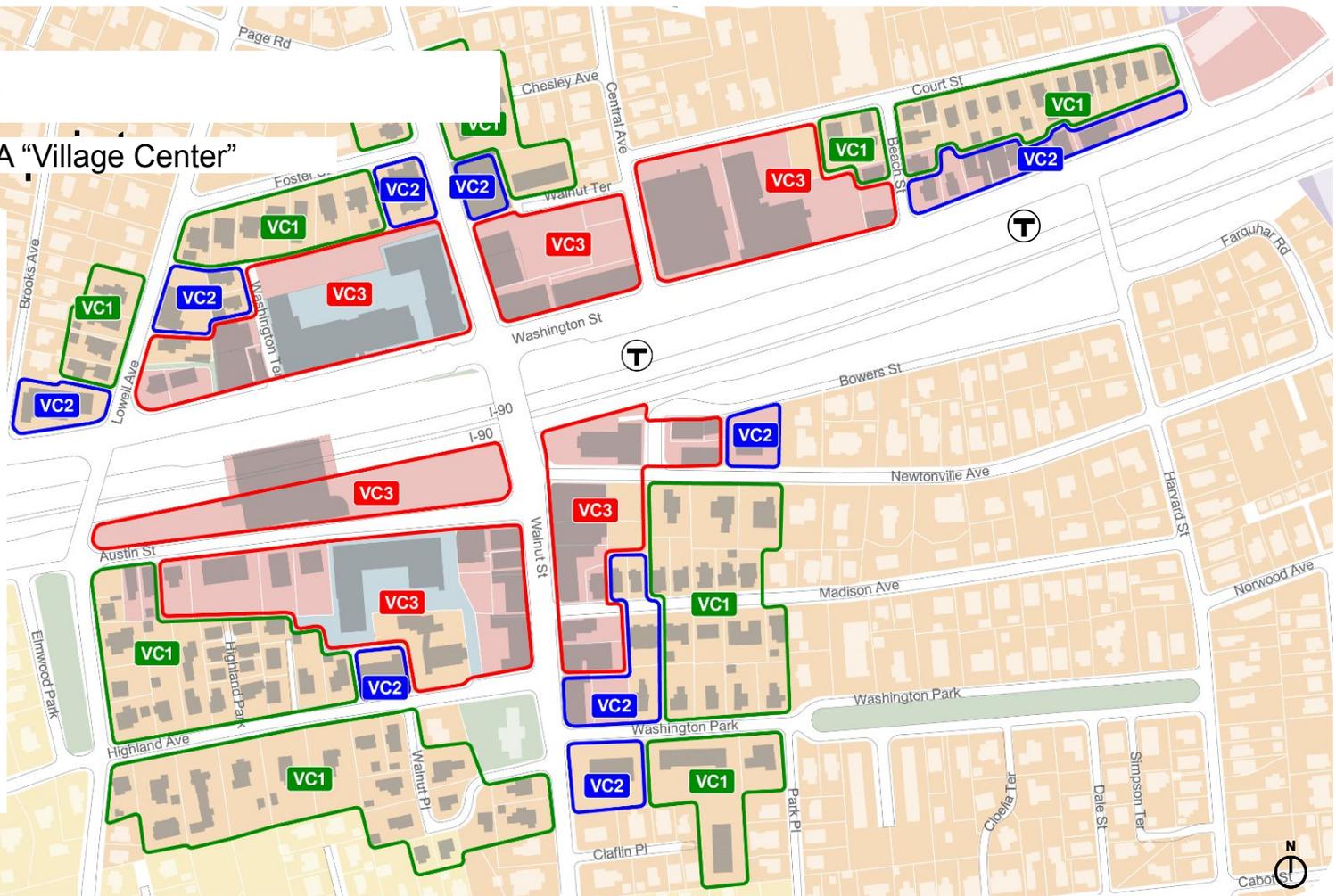
Category: By-Right / Special Permit  
Footprint, max: 15,000 sf / 17,500 sf  
Height, max: 4.5 stories / 5.5 stories  
Use: Residential, Commercial, Mixed-Use

#### Village Center 2 (VC2)

Category: By-Right / Special Permit  
Footprint, max: 10,000 sf / 12,500 sf  
Height, max: 3.5 stories / 4.5 stories  
Use: Residential, Commercial, Mixed-Use

#### Village Center 1 (VC1)

Category: By-Right / Special Permit  
Footprint, max: 5,000 sf / 7,500 sf  
Height, max: 2.5 stories / 3.5 stories  
Use: Residential / Commercial, Mixed-Use



## **Protect What Matters: Potential additional elements of model code**

- **Street and neighborhood design standards grounded in time-honored principles that have produced Vermont's beloved neighborhoods.**
- **Historic protection standards**
- **Flood zone protection standards**
- **Universal design standards**
- **More?**

# ROOT Zones: A Practical Path for Rural Communities

*Many Vermont towns are exploring enabling housing growth through form-based code – but they're starting from scratch*

## The Challenge

- **Form-based code development is expensive.**  
Towns can spend \$100,000+ on professional consultants
- **Small communities lack capacity** and resources to do this work independently
- **Each town reinventing the wheel** is inefficient for municipalities across the state

## ROOT Zones Solution

- **State drafts model code** that towns can adapt to their community's character and scale
- **Provides technical and financial support** to participating municipalities
- **Creates pathway to Tier 1 status** for rural towns currently left behind
- **Ensures consistency and quality** while respecting local needs

## Potential Next Steps

- **Present more detail:**
  - **Model code**
  - **Legal framework**
  - **Implementation Details**