

**Vermont Planners Association (VPA)**  
**2021 Legislative Report**  
**January 18, 2021**

Greetings!

Today's VPA Legislative Report contains a round-up of planner-relevant bills introduced in the House and Senate, a surprise Executive Order from the governor with changes to Act 250 administration, as well as a report on the Climate Caucus and Council meeting. For those wanting to learn more about the bills identified in this report, please use the [search function](#) on the website for the [Vermont General Assembly](#).

## **House Bills**

*Reported by [Alex Weinhagen](#)*

Eighty-eight bills have been introduced in the House to date with the following of possible interest.

**H.6 - Group Net Metering Rates, Projects** – This bill proposes to require that the Public Utility Commission balance the costs and benefits to Vermonters when determining group net metering rates and to remove any cap on group projects when the group/customer is a municipality or a school.

**H.9 – UVA Definition, Solar & Agricultural Land** – This bill proposes to clarify that land underlying a solar array may remain in current use as agricultural land, provided that the land is 0.1 of an acre or less, and meets all other current use requirements.

**H.28 – Basic Needs Budget, Livable Wage** – This bill proposes to amend the definition of “livable wage” for purposes of the basic needs budget that is calculated at the beginning of each legislative biennium so that the livable wage is based on a family with two adult wage earners, two children, and no employer-sponsored health insurance.

**H.34 – TIF Districts Debt Proceeds** – This bill proposes to authorize tax increment financing districts to use debt proceeds to make debt service payments.

**H.48 – Town Meeting Flexibility (COVID)** – In response to COVID-19, this bill proposes to: (1) authorize municipalities to move the date of their 2021 annual meeting; (2) authorize municipalities to mail out annual meeting Australian ballots to all active, registered municipal voters; and (3) authorize the Secretary of State to order or permit supplemental elections procedures related to these 2021 annual municipal meeting provisions. \*\*Already passed both the House and Senate. Delivered to the Governor 1/15/21\*\*

**H.66 – Baseload renewable power portfolio requirements.** This bill proposes to extend the baseload renewable power portfolio requirement from 2022 to 2032.

**H.70 – Authorizing low-impact wastewater systems.** This bill proposes to authorize the use of low-impact wastewater systems designed to manage and treat wastewater from plumbing fixtures supplied by hand-carried or hand-pumped water.

**H.77 – VT Housing and Conservation Trust Fund revenue.** This bill proposes to prohibit the use of the property transfer tax revenue dedicated to the Vermont Housing and Conservation Trust Fund for any other governmental purpose.

**H.83 – Act 250 jurisdiction expansion.** New triggers for: 1) development above 1500 feet in elevation that is within 100 feet of a stream; 2) subdivision of land above an elevation of 2,000 feet.

**H.84 – Neighborhood Development Area tax credit.** Extends the Downtown and Village Center historic tax credit to Neighborhood Development Areas, and raises the annual cap on the amount available for these tax credits from \$3 million to \$4 million.

## Senate Bills

Reported by [Sharon Murray](#)

To date 34 bills have been introduced in the Senate, including:

**S.1 - Baseload Renewable Power Portfolio** (companion to H.66) — This bill would extend the baseload renewable power portfolio (that portion generated from in-state woody biomass) through 2032 and, before November 2022, require the PUC to determine the price to be paid for this based on “avoided cost,” in part to include whether the fuel supply is obtained from ecologically sound and sustainable sources. In Senate Finance.

**S.14 - Housing, Deed Restrictions** – Introduced by Sen. Sirotkin to clarify deed restriction language under the 2020 affordable housing bill ([Act 179](#)) as specific to accessory dwelling units. This bill would invalidate any deed restriction, covenant, or other binding agreement added after March 2021 that prohibits or has the effect of prohibiting ADUs allowed under Chapter 117. Alex testified on behalf of VPA in support of this bill last week. In Senate Economic Development, Housing and General Affairs.

**S.19 - Climate Change Response Plan, Regional Planning** -- This bill would require the VT Health Department to prepare a statewide “Climate Change Response Plan” by July 1, 2022, in coordination with Regional Planning Commissions and other groups, to mitigate and respond to climate-change related public health risks, with particular attention given to listed vulnerable populations. It would also require RPCs, under Chapter 117, to assist hospitals in developing community health needs assessments, and state agencies and departments in addressing public health concerns related to climate change under state and local emergency, hazard mitigation, response, and

recovery plans. RPCs were consulted in drafting this bill, as introduced by Senator Lyons. In Senate Health and Welfare.

**S.33 –TIF Pilot Project** -- This bill would update the statutory list of authorized municipal TIF districts. It would also authorize the VT Economic Progress Council to establish a “project-based” TIF pilot program, from January 2021 through 2023, in which VEPC would be authorized to approve not more than six “tax increment financing projects” and no more than one per municipality. A proposed TIF project must be located within or serve one or more designated areas approved by the VT Downtown Board under Chapter 76A, or in an industrial park. In Senate Economic Development, Housing and General Affairs.

**S.34- – Housing Bond(s), Property Transfer Tax** ----This bill proposes the issuance of one or more housing bonds through the VHFA between FY23 and FY28, to fund affordable housing development through the VT Housing Conservation Board, as supported by property transfer tax revenues. Prior to any distribution of transfer tax revenues (per statute) to the Housing and Conservation Trust Fund or the Municipal and Regional Planning Fund, \$4 million in PPT revenues would first be transferred to the VHFA to pay the principal and interest due on bonds, notes and other related obligations. In Senate Economic Development, Housing and General Affairs.

## **Executive Order**

**02-21 – Act 250, Natural Resources Board & District Commission Reorganization.** See details: <https://governor.vermont.gov/content/executive-order-no-02-21>. The Executive Order includes the following elements and will take effect in 90 days unless the Legislature takes action to stop it:

- The current Natural Resources Board (NRB) becomes a three-member professional board appointed by the Governor with approval of the Senate.
- Some authorities are transferred from the District Commissions to the three-member NRB including: 1) decisions on when to issue an administrative amendment; 2) ruling on appeals of jurisdictional opinions by District Coordinators.
- NRB takes over classification of applications (minor vs. major) and review of major applications and minor applications when a hearing is requested. NRB is joined by two members of the local District Commission for these hearings.
- District Commissions are left with the authority to review minor applications when a public hearing is not requested.

S. Natural Resources and Energy Committee received an initial overview of the Executive Order from the Legislative Counsel on Friday, who noted that it was similar to the Administration proposal that was rejected in the House last session. Much of Friday’s discussion focused on the process and timing for dealing this type of executive order – including the need for a legislative response by mid-April.

**The committee has scheduled testimony on the order for Thursday (1/21) at 10am.** This is billed as a joint hearing with the House Natural Resources, Fish and Wildlife Committee. The committee has invited the ANR Secretary (Julie Moore) and the NRB chairperson (Diane Snelling) to testify, along with legislative counsel.

*Reported by Alex Weinhagen and Sharon Murray*

## **Climate Caucus and Council**

*Reported by [Peg Elmer Hough](#)*

The [Climate Caucus](#) and the [Vermont Climate Council](#) met the same day and time on January 14. The Climate Council meetings are readily open to the public online, with meeting agendas and a link to join via MS Teams.

Principal business at the January 14th meeting was to approve [the Council's report to the legislature](#). The four page report includes links to presentations from various state experts providing baseline data on Vermont's climate issues and efforts to address them. The draft report was approved with the condition to add language on a subcommittee focused on public outreach and participation.

VPA members may be interested in serving on the subcommittees proposed in the report: Rural Resilience, Cross-Sector Mitigation, Agriculture & Ecosystems, and Just Transitions (per statute). The council has contracted with the Consensus Building Institute (CBI) to assist the Council with process design, setting up the subcommittees, and decisions re: data. CBI has assisted the Maine Council on Climate and the NYS Climate Action Council with similar initiatives.

The next mtg, January 25 at noon, will be facilitated by CBI. It will include a panel with representatives from the councils in Maine, Massachusetts and New York, for a "lessons learned" discussion. This will be followed by a facilitated discussion about the Council's organization, consideration of a Council charter, and transition to the subcommittee work ahead. Staffing of those subcommittees, subcommittee charters, and establishment of interim deadlines for subcommittee work will be discussed. The Council is also hiring a Project Manager and that person may be present at their next meeting.

They have "issued a Request for Information (RFI) to gather input and obtain information needed to develop and issue a Request for Proposals (RFP) for consultant services related to emissions modeling, development of analytical tools, policy analysis and development, regulatory support, economic modeling and cost-benefit analysis, and monitoring and program evaluation; and are developing an RFP for facilitator services to support constructive deliberation, development of recommendations and consensus building agreement around the complex issues of reducing GHG emissions and building resilience".