

## Vermont Planners Association (VPA) Legislative Report - February 1, 2021

Greetings!

This week's report features several new bills introduced in the house, updates we are following in the Senate and information on the budget for planning funds. Also links to pertinent program reports, and and the latest on the Climate Council.

Please use the [search function](#) on the website for the [Vermont General Assembly](#) to find the latest language on the bills described here. --Faith Ingulsrud

### House Bills

Reported by [Alex Weinhagen](#)

#### New Bills

Forty two new bills were introduced on the House side this past week. Here are brief summaries of those reviewed up to H.165 that have a planning nexus.

**H.126 – Pedestrian Safety & State Highways** – This bill proposes to establish a pedestrian safety pilot program; allow municipalities to seasonally install in-street pedestrian crossing signs in crosswalks; allow municipalities to lower certain speed limits on State highways; and express the General Assembly's intent that the Traffic Committee should not increase the speed limit on a State highway in response to a municipality's request that the speed limit be lowered.

**H.129 – TIF Pilot Project** – This is the House version of the project-based TIF bill that was introduced in the Senate, S.33 (mentioned on the 1/18/21 VPA legislative update, and was discussed last week in the Senate Economic Development & Housing Committee.) It would authorize the VT Economic Progress Council (VEPC) 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 state designated areas under Chapter 76A, or in an industrial park. In House Ways and Means Committee.

**H.159 – Better Places Program** – This bill proposes to create a Better Places Program to support projects that create, activate, or revitalize communities and public spaces - a new funding opportunity for communities to be managed by the Department of Housing and Community Development. The bill doesn't include any specific state appropriations but anticipates the possibility of state funding and authorizes DHCD to manage the program with philanthropic and other types of funds. The new grant program would help fund place-making projects in state designated areas (downtowns, village centers, new

town centers, neighborhood development areas). It anticipates local match requirements being met in part by crowdfunding.

**H.164 – Cannabis, Municipal Opt-In Expansion** – This bill would require a town to vote on allowing the operation of any type of licensed cannabis establishment prior to such an establishment operating within the town. Per Act 164 (S.54) passed in 2020, retail cannabis establishments can only operate in municipalities that have affirmatively voted to allow them. This bill would expand this to all cannabis establishments including cultivation, processing, etc., giving municipalities the ability to pick and choose which cannabis establishments are allowed, if any. Highly unlikely that this bill will go anywhere.

### Updates

**H.120 – Act 250 Comprehensive Updates/Reform** – House Natural Resources received an overview of the bill and discussed it last week.

An initial list comparing H.120 to last year's H.926 was offered in last week's legislative report. *Note that we incorrectly listed language on "development at or above 2500' in elevation" as proposed for removal from in the new bill. H.120 does not remove that provision.* VPA now has a subcommittee reviewing the bill.

### **Senate Bills**

Reported by [Sharon Murray](#)

To date 56 bills have been introduced in the Senate but there were no new Senate bills specific to planning introduced last week.

### On the Move:

**S.14 – ADU Deed Restrictions.** This bill passed the Senate, as supported by VPA, in a floor vote last Tuesday, and has since landed in H. General, Housing and Military Affairs.

### In Committee:

**EO (02-21) – Act 250.** After taking additional testimony on Friday from several witnesses, including NRB Chair Diane Snelling and former District Commissioner Ed Stanak, S. Natural Resources and Energy voted unanimously in favor of passing a resolution of disapproval. They instead proposed to invite the Administration and others to participate in a more in-depth legislative discussion of the Act 250 review process.

**S.19 – RPCs/Climate Change Response Plan.** S. Health and Welfare was provided with a brief overview of this bill on Wednesday by Senator Lyons (sponsor) and Legislative Counsel Katie McLinn.

**S.33 –Project-Based TIF.** This bill got some time in S. Economic Development, Housing and General Affairs on Friday morning. The committee heard from Joan Goldstein (DEC), Megan Sullivan (VEPC) and Doug Hoffer (State Auditor). Megan Sullivan noted that the proposed program is intended to create a simpler TIF program that’s easier to implement and monitor, for use by smaller rural communities, village centers, and industrial parks. It would help fund one “qualifying infrastructure project” (i.e., stormwater, wastewater, brownfield remediation and redevelopment, transportation enhancements) in support of economic development. Westford’s proposed wastewater system was offered as an example. Hoffer noted his general concerns regarding TIF, that would also apply to a project-based TIF, and provided an outline of options for committee consideration.

**S.34—Housing/Bonds, PTT.** S. Economic Development, Housing and General Affairs got an intro and walk-through of this bill last Wednesday from Maura Collins (VHFA), Jen Hollar (VHCB), and Legislative Counsel Rebecca Wasserman.

**S. Natural Resources, Energy** – Much of this committee’s time and attention continues to focus on programs to address climate change and meet state GHG and energy goals, and the additional funding streams needed to support these programs. Last week they took a deep dive into state weatherization programs, exploring how these could be significantly ramped up given current funding, staffing, and training limitations. According to Senator Bray, a bill will be introduced in the next week or so to serve as the basis for a strike-all, after they’ve had the chance to develop a regulatory and funding framework in association with partners working in this area. They also heard from the Public Utility Commission regarding the final Act 62 “All Fuels Energy Efficiency Report” released January 15<sup>th</sup> (link below). This week they’re scheduled to follow-up on the PUC report, asking for more information from utilities regarding current energy efficiency services in the electrical, thermal (natural gas) and transportation sectors.

## Other Legislative Matters

Reported by [Sharon Murray](#) and others

**Drafting Deadline, House.** Friday was the drafting request deadline for standard form bills in the House, which should serve to limit the number of bills in the hopper for introduction in the coming weeks. This deadline does not apply to budget or committee generated bills.

**Governor's Budget Address.** Thanks to federal COVID relief funds, Governor Scott’s [annual budget address](#) was relatively up-beat, including a significant one-time infusion of funding proposed for the Housing Conservation Board, broadband improvements and other pandemic recovery priorities. See useful summary in [VT Digger](#).

**FY22 Budget: Municipal and Regional Planning Fund (Sec. D.100 Property Transfer Tax Revenues).** The Governor’s proposed FY22 Budget (Big Bill) released last week includes an total appropriation from the Municipal and Regional Planning Fund capped at \$3,760,599, to be

allocated as follows – “notwithstanding” the funding formula for planning established under 24 V.S.A. § 4306:

1. \$2,924,417 to regional planning commissions (RPC contracts),
2. \$457,482 to municipalities (Municipal Planning Grants), and
3. \$378,700 to the Agency of Digital Services for the Vermont Center for Geographic Information.

H. and S. Finance Committees have scheduled two video **public hearings on the proposed budget for Monday, Feb 8<sup>th</sup>**:

First: 1:00 p.m. to 2:00 p.m. (2:30 p.m.) |

Second: 6:00 p.m. to 7:00 p.m. (7:30 p.m.)

Anyone interested in testifying should sign up using the online form:

<https://legislature.vermont.gov/links/public-hearing-fy22-budget>, by Friday, February 5, 2021.

[Full Press Release](#)

#### Recent legislative reports that may be of interest

- 1/29 [The Vermont Housing and Conservation Board 2020 Annual Report \(10 V.S.A. § 323\)](#)
- 1/27 [Report on Vermont's Statewide Incentive Programs \(2019, Act 59, Sec. 34\(a\)\(5\) and 2020, Act 121, Sec. 14\)](#) VTRANS (PEVs, etc.)
- 1/26 [Capital Budget Proposal FY 2022 - 2023](#)
- 1/21 [Vermont Housing Finance Agency 2020 Annual Report \(10 V.S.A. § 639\)](#)
- 1/20 [Vermont Housing Budget and Investment Report \(24 V.S.A. § 4498\)](#)
- 1/15 [Progress Report on River Basin Water Quality Management Planning – “Tactical Basin Planning” \(10 V.S.A. § 921 – 929; § 1253\)](#)
- 1/15 [Vermont Community Development Program \(10 V.S.A. § 685\(g\)\)](#)
- 1/15 [Public Utility Commission's Final Report on All-Fuels Energy Efficiency \(2020, Act 62\)](#)
- 1/15 [Vermont Climate Council Report \(2020, Act 153\)](#)
- 1/15 [Property Valuation and Review Annual Report \(32 V.S.A. § 3412\)](#)
- 1/14 [Vermont Building Energy Labeling Working Group Legislative Report \(2019, Act 62\)](#)
- 1/11 [Annual Weatherization Report \(2006, Act 215, Sec. 134\(b\); 2008, Act 192, Sec. 5.221\(b\)\)](#)
- 1/11 [2020 Regional Greenhouse Gas Initiative Report \(30 V.S.A. § 255\(e\)\)](#)

#### Climate Caucus and Council

Reported by [Peg Elmer Hough](#)

At the first four hour meeting of the [Climate Council](#), they were joined by a panel of representatives from similar councils for NY State, Maine, Massachusetts and the National Climate Alliance who offered "Lessons Learned." While the other councils were charged only

with creating a plan, New York will be preparing a plan and adopting regulations to implement it by 2024. All hired the Consensus Building Institute (CBI) for assistance on various parts of their processes.

Vermont has the most aggressive timeline and little funding (Gov Scott has now added \$1 million to the Administration's budget). The remainder of the meeting was spent exchanging ideas on gaining additional funds and on creating an efficient structure. With advice from CBI and the panelists, the VT Climate Council took nominations for a 6 member Steering Committee (3 Administration appointees and 3 Legislative). Preferences for Subcommittees, and willingness to chair or co-chair, was requested, to be exchanged via email.

They'll confirm the Steering Committee (and Subcommittee placements) at the next full Council meeting on February 8 at 8:30 a.m. The Steering Committee, also open to the public for listening in, will meet at 10 on February 1. Their newly-hired Project Manager, Jane Lazorchak, currently Land Acquisition and Stewardship Coordinator at the Dept of Fish and Wildlife, will start work on the 8th.