

## Vermont Planners Association (VPA) Legislative Report - February 15, 2021

Greetings!

Check out the new bills introduced in the house. Rental registry legislation appears to have momentum, we have a summary of last week's discussion on S.33 - Project Based TIF, and a variety of other items provided by our reporters. Note there is a continuation of the TIF bill discussion on Thursday this week. --Faith Ingulsrud

### House Bills

Reported by [Alex Weinhagen](#)

#### New Bills

Fifty-seven new bills introduced on the House side this past week. I reviewed new bills through H.266. Here are brief summaries of the seven with a planning nexus - H.232 and H.256 are particularly interesting and important bills:

**H.211 – Recovery Residences** – This bill adds recovery residences serving not more than eight people to the required provisions of municipal bylaws in Title 24, Chapter 117, Section 4412(1)(G). The same section that deals with residential care homes and group homes. A recovery residence is, "... a shared living residence supporting persons recovering from a substance use disorder." More broadly, the bill proposes to: (1) provide certain residential rental agreement exclusions to recovery residences; (2) require that recovery residences have certain policies and procedures pertaining to residential agreements, temporary removal, separation, and drug testing; (3) require a municipality to treat a recovery residence as a single-family residential home under its land use bylaws; (4) require the Department of Corrections to submit a report to the General Assembly pertaining to the number of individuals on furlough who reside in recovery residences; and (5) establishes the Recovery Stabilization Study Committee. \*\* Being discussed in committee this week – see below \*\*

**H.229 – Green Housing, Retrofits & Solar** – This bill proposes to perform green housing retrofits of, and to install rooftop solar panels on, income-qualifying homes; to support an equitable transition to a zero-carbon building sector by 2040; to create high-quality union jobs and to prioritize the unionized workforce in conducting retrofits and workforce development programs; to create a progressive funding structure for retrofits and to prioritize households with annual incomes of less than \$50,000.00; and to ensure that energy is affordable for lower-income Vermont residents.

**H.232 – VHCB Racial, Ethnic, Economic Equity** - This bill proposes to promote land and home ownership and economic opportunity for Vermonters who have historically suffered discrimination or unequal access to benefits and services, including Black, Indigenous, and People of Color, and to prepare for climate change. Specifically, it

proposes changes to the composition and project priorities of the VT Housing and Conservation Board (VHCB) to better address Vermonters who have historically suffered discrimination or unequal access to benefits and services, including Black, Indigenous, and People of Color. One somewhat tangential change to the Board composition includes the appointment of one member, “with expertise and professional experience in community planning and smart growth principles, as defined in 24 V.S.A. § 2791.”

**H.241 – Ecosystems Services Tax Credit** - This bill proposes to establish an ecosystems services tax credit for activities on working agricultural land and managed forest lands that sequester carbon or improve water quality.

**H.253 – Grantee Acknowledgement of Deeds** - This bill proposes to require that a deed conveying an interest in real estate must be acknowledged in writing by the grantee in order to be valid. Wait... are people being deeded real estate without their knowledge? Apparently.

**H.255 – Water Supply Rates & Voter Approval** - This bill proposes to require voter approval of water rates that are: (1) set by a separate municipal corporation outside the municipality where the vote is to be held; and (2) based on the appraised or assessed value of the property to be served.

**H.256 – Rental Registry & Code Enforcement** – This is the companion bill to S.79, which was introduced in the Senate this week. This bill would create a registry of rental properties, to be administered by the Department of Housing and Community Development. It would also put rental housing code enforcement in the hands of the State Division of Fire Safety, unless a municipality does its own code enforcement. Town Health Officers would remain, but would no longer have to shoulder the burden to code enforcement. Will require funding to pay for five additional staff in the State Division of Fire Safety. A bill similar to this has been introduced multiple times in the past (including the last biennium), but failed to progress due largely to the need for funding. This biennium feels a bit different given that safe/affordable housing is such a high priority for the Governor and legislators.

#### **In House Committees Last Week** *(Reported by Daniel Jarrad)*

**House Appropriations - NRB and ANR FY22 Budget** - Diane Snelling went over the NRB FY22 budget, notably with the 500k meant for the Gov’s EO reorganization still in there. Rep. Sheu asked about this and if they would just remove the 500k. Snelling asked them not to, basing her request on the possibility of more changes to NRB and Act 250 with the House 250 bill. Rep. Hooper said they might take it out now and set it aside while discussions are taking place. Julie Moore and the Commissioners went through the ANR FY22 budget. Rep. Hooper stated that the way the Parks Fund is funded through the General Fund is unsustainable and wants to hear solutions for FY23, which Moore agreed with. Rep. Dolan asked about the 5 million for VOREC grants in relation to the Lamoille Rail Trail. Snyder confirmed that they had fully funded it last year,

the intention of the 5 million appropriation for FY22 is to allow communities along the trail to invest in projects, development, and planning in anticipation of activity along the trail. Louis Porter brought up the issue of the convoluted language of the bill back system for Act 250 reviews and that they would like the legislature to consider language that would allow them to better utilize this. Dolan confirmed that they want to change it and they may discuss it tomorrow when Fish and Wildlife discusses their budget with House Natural.

## **Senate Bills**

Reported by [Sharon Murray](#) and Daniel Jarrad

### **New Bills:**

A total of 80 bills have been introduced in the Senate to date with one of interest to planners last week:

**S.79 – Rental Registry & Code Enforcement.** The companion bill to H.256 described above, as developed in S. Economic Development, Housing and General Affairs and formally introduced on Friday. Senator Sirotkin is especially interested in getting this passed this session. Several witnesses testified in support on Wednesday (2/10). Much of the discussion focused on the transition from local to state enforcement, and the regulation of ADU rentals.

### **In Senate Committees Last Week**

**S.33 - Project Based TIF Pilot Project.** Everyone testifying last Thursday voiced support for S.33. Fred Kenney (ACEDC) suggested the committee remove the debt ceiling in the bill, given external factors (statute, bonding capacity) that also limit the amount of debt a town can incur. He also supported maintaining eligibility for commercial and industrial areas within the location criteria. Kate McCarthy (VNRC) presented three policy suggestions for consideration, noting that one way to incorporate commercial and industrial eligibility, while also ensuring smart growth, would be to adopt Act 250's definition of an industrial park. Tasha Willis (LCPC), representing RPCs, noted that most funding gaps occur when communities need to provide a local match. Stephanie Clarke (White & Burke) pointed out confusing language that could be cleared up -- e.g., with regard to limiting a town to one project and the term "project" itself.

**S. Natural Resources, Energy**—The committee anticipates that their weatherization financing bill will not be ready by crossover. They acknowledged the need to coordinate with other committees working in this area (e.g., S. Finance), and discussed creating a working group to analyze information and options received to date, to reassess next session.

## In Committees this Week

**Vermont Housing and Conservation Coalition Week** – Every day in various committees.

Relevant bills being discussed this week in committee – per agendas posted February 14:

**H.108 – Section 401 certification for wetlands** – Continued discussion in the House [Natural Resources, Fish and Wildlife Committee](#) on Tuesday (Feb 16) at 2pm.

**H.159 - Better Places Plan and H.84 - Downtown and Village Tax Credits** - DHCD staff meeting with [House Commerce and Economic Development](#) Wednesday (Feb 17).

**H.211 – Recovery Residences** - Introduction and first walk through in the [House General, Housing, and Military Affairs Committee](#) on Wednesday (Feb 17) afternoon.

**T-Bill – Municipal Development Review, AVs** – Testimony from Joe Segale (VTrans) re municipal development review, highway access (Section 1111) permit fees; followed by an autonomous vehicle testing update in [H. Transportation](#) Tuesday (Feb 16) starting at 1:15. Other transportation discussions of possible interest on Wednesday (Feb 17) afternoon.

**S.14 – ADUs, Deed Restrictions** – Scheduled for markup, vote in [H. General, Housing, Military Affairs](#) on Tuesday (Feb 16) at 1:00. H. Calendar later in the week?

**S.33 – Project-based TIF** – Continued discussion in the [Senate Economic Development and Housing Committee](#) on Wednesday (Feb 17) at 9:40am. Additional discussion possible on Friday (Feb 19) at 8:30am.

## Climate Caucus and Council

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

There were no meetings to report on last week. The Climate Caucus meets this week and the Council will meet on February 22.