

Vermont Planners Association (VPA) Legislative Report - February 8, 2021

Greetings!

VPA's focus last week was on preparing and giving testimony before the Senate Economic Development, Housing and General Affairs Committee on S.33, the Project Based TIF bill. Discussion on that bill continues this week on Thursday - see below. The Senate formally disapproved of the Governor's Executive Order on Act 250 reorganization, and bills on energy issues, short term rentals, a rental registry and a few other issues of interest were introduced or discussed. --Faith Ingulsrud

House Bills

Reported by [Alex Weinhagen](#)

New Bills

Forty-five new bills were introduced on the House side this past week. I reviewed new bills through H.209. Here are brief summaries of the two with a planning nexus:

H.167 – Environmental Stewardship Board – This bill would establish a new Environmental Stewardship Board to oversee and consult with the Secretary of Natural Resources regarding the operation and coordination of the Agency of Natural Resources (ANR) and the management, protection, and conservation of State surface waters, wetlands, wildlife, forests, ANR lands, groundwater, air quality, and other natural resources managed or regulated by the ANR. This new Board would review rules and rule amendments by ANR or the Fish and Wildlife Board to determine if they are consistent with science, long-term ecosystem health, and State goals/policies. The Board would have veto power over certain rules proposed by the existing Fish and Wildlife Board.

H.200 – Short-term Rentals – This bill would require owners of short-term rentals to register with the State annually (\$130 fee per year), and would establish an owner residency requirement – i.e. owner must have previously occupied the dwelling unit as their primary residence. It imposes certain required provisions (e.g. fire safety, zoning compliance, water/sewer compliance, etc.), and establishes a State enforcement protocol. It also makes minor revisions to the definition of a short-term rental.

Senate Bills

Reported by [Sharon Murray](#), with input from Seth Jensen, Kate McCarthy, and Daniel Jarrad and Regina Mahony.

New Bills:

A total of 66 bills have been introduced in the Senate to date, including the following last week that may be of interest:

S.61 - UVA/Solar Facilities. This bill is a companion to H.9 in the House, which would allow solar arrays of 0.1 acres or less on agricultural land enrolled in the Use Value Appraisal (Current Use) program. In S. Agriculture Committee.

S.64 - Broadband/Property Taxes. This bill would exempt new broadband infrastructure constructed by non-municipal utilities, including electric cooperatives, from property taxes to help lower the cost of deployment in unserved and underserved areas of Vermont. A committee bill currently under development in H. Energy and Technology would further address how to best support and fund accelerated broadband expansion throughout the state.

S.66 - Electric Bicycles. This bill, introduced by Senators Campion and Westman, would define three classes of electric bicycle for purposes of regulation, and would regulate these as bicycles rather than motor vehicles. It would also allow a municipality, other local authority, or state agency to regulate electric bicycle use on trails designed for non-motorized use; prohibit a Class 3 electric bicycle on any bicycle or multi-use path; and, following notice and public hearing, also prohibit the operation of a Class 1 or 2 electric bicycle on a multi-use path for safety or other legal reasons.

From the Floor:

S.R.6 - Act 250 EO. The Senate resolution to officially "disapprove" the Governor's Executive Order 02-21 on reorganizing Act 250 review passed the Senate in a virtual floor vote on Friday. This followed a 3rd reading roll call vote on Thursday (22-8) in which all but one Senate Republican, and two Democrats dissented. In disapproving the EO, the Senate invited the Administration to "bring forward draft legislation to optimize the Act 250 permit and appeals process." The resolution also notes that the Senate is committed to working cooperatively, through the standing committee process, to explore in more depth options for reorganizing the NRB, and to produce legislation that achieves shared goals. It's apparently still unclear whether one or both chambers are required to act in order to formally kill the EO; but it reportedly will not be taken up in the House. It's also not yet known whether the Scott administration will pursue any legal action over the order given other options available, including proposed legislation.

In Committee:

S.33 - Project Based TIF Pilot Project. Seth Jensen testified Thursday in S. Economic Development, Housing and General Affairs on behalf of VPA (and Westford) in support of S.33 as an important tool for rural development, joining VEPC and others in backing this legislation. VPA offered three recommendations for committee consideration: 1) increase or eliminate the proposed \$1.5 million project cap, given this would prohibit use of TIF for many infrastructure projects; 2) extend the time from TIF approval to the incurrence of debt from 3 to 5 years; and 3) more clearly define the geographic area served to include those properties that have a clear nexus (would increase in property value) as a result of the investment. TIF funding in this context was generally characterized as a form of "gap funding."

In committee, as anticipated, there was some discussion about how this would impact the educational fund. It was also noted by committee members that wastewater infrastructure in particular had been identified by planners as a critical infrastructure need (especially for housing); but several also wondered whether it would be easier and more appropriate to include targeted appropriations for smaller infrastructure projects in the capital budget. The committee seems to recognize the need the bill is intended to address, and remains open to the idea of project-based TIF, but has also asked for more context and information - including possible alternatives such as a more

directed low interest loan or small grant program. Discussion will continue at [9:40 - 10:30 am on Thursday \(2/11\)](#).

Rental Registry Bill - S. Economic Development, Housing and General Affairs is once again considering a statewide rental housing registry, and state (versus municipal) enforcement of the state's housing rental code. Senator Sirotkin seems especially interested in getting this into a bill that can pass this session. One of the holdups last time around was the need to add new positions in Fire Safety to enforce the code, to be funded at least in part through registration fees. Committee will devote [all of Wednesday morning \(2/10\)](#) to discussing and hearing testimony on this bill.

Community Solar - S. Natural Resources and Energy continues its deep dive into expanding weatherization programs, but on Friday took some time to hear from Riley Allen (DPS) about the Governor's proposed \$10 million allocation for community solar, to move forward with the Administration's "Affordable Community Solar Clean Energy Initiative," currently in the conceptual stage. This program would help low and moderate income communities cover the upfront costs of developing community solar arrays. Committee feedback was pretty positive.

Energy and Equity. S. NRE also heard from Jared Duval of the VT Energy Action Network on Wednesday, who offered an interesting and timely overview of transportation-related GHGs, energy equity (definition), and relative transportation energy costs and burdens - "Energy, Emissions, Economy, Equity <https://legislature.vermont.gov/Documents/2022/WorkGroups/Senate%20Natural%20Resources/Energy/W~Jared%20Duval~Energy,%20Emissions,%20Economy,%20Equity~2-3-2021.pdf>" - worth checking out!

Rental Registry and Code Enforcement – all of Wednesday morning (2/10). The agenda includes a note “See S.163 (2020)”

Mobile Home Parks - On [Friday at 10 am](#) S. Economic Development, Housing and General Affairs will discuss Mobile Home Parks with a long list of housing experts.

Legislative Reports:

2020 Housing Report. You may not be aware of it, but there's a statutory requirement under Chapter 117 (§ 4498) - enacted under prior affordable housing legislation - for DHCD to prepare an annual "Housing Budget and Investment Report" tied to their responsibilities to prepare annual housing budgets and investment plans. These reports provide a great snapshot of existing state housing programs, housing needs/gaps, and federal and state funding. The 2020 Report <https://legislature.vermont.gov/assets/Legislative-Reports/2020-VT-Housing-Budget-Investment-Report.pdf> released in January, is worth a look for anyone working in this area.

Climate Caucus and Council

Reported by [Peg Elmer Hough](#)

The Council is quickly setting up its structure and process. A Steering Committee of 6 has formed: Suzanne Young, Julie Moore and Liz Miller, Lauren Oates/Nature Conservancy, Chris Campany/Windham RPC and Jared Duval/Energy Action Network.

Chairs/Co-Chairs for the five subcommittees are:

- Rural Resilience and Adaptation co-chaired by Erica Bornemann and Catherine Dimitruk
- Cross-Sector Mitigation - Rich Cowart and Peter Walke, co-chairs
- Just Transition - Sue Minter and Sarah Phillips (DCF), co-chairs
- Agriculture and Ecosystems - Abbie Corse and Bill Coster (ANR)
- Science & Data - Lesley-Ann Dupigny-Giroux and TJ Poor (PSD)

The full list can be viewed on the Council website in the powerpoint presentation for Feb 8. Commissioners/Secretaries are already showing a designee.

There was a flurry last week when ANR, VNRC and EAN sent out a request for nominations for additional subcommittee members to their staff and membership, with a 24 hour return. Nominations flooded in, for the probably 20 more people they're planning on, of non-Council members, (doesn't include Science & Data subcommittee). The Steering Committee decided on Thursday to make a more public call for nominations with a week's response time. The subcommittee chairs will review nominations and make recommendations to the full Council to approve - looking for people with 4-8 hrs/week available. That new "survey" for nominations is posted at the top of the Council website (<https://aoa.vermont.gov/content/vermont-climate-council>). Nominations already sent in don't need to be sent again. Responses are due Feb 12, at 9 p.m.

Council "Roadmap": subcommittees will work quickly to compile recommendations for action, by June. They will be reaching out to others for input, data and expertise. Draft recommendations will be offered for public response around June, finalized over the summer and offered again in a draft plan for public input around October. They are discussing how to maintain an active interface between the state Energy Plan update and this effort.

Sue Minter raised concern re: needing a person of color to lead the Just Transition group, and noted that both she and Sarah are happy to move aside to facilitate that. Decision was made that there can be 3 co-chairs (but one is a member of the Administration), and that Council members can serve on both X-Sector Mitigation and another in order to maximize communication into the X-Sector group. Catherine Dimitruk asked which subcommittee is addressing transportation. Liz Miller noted that she sees this, and building design/heat, in the X-sector committee. This will be clarified.

Matt Chapman advised that open meeting law applies to these meetings, whenever a quorum comes together (including electronically) to discuss related business, even a joint document. Rich Cowart questioned how to provide notice and deal with the public's ability to view a joint Google document, as it's being worked on. Guidance: put the draft document up for comment, and then finalize. All texts/emails are subject to a FOIA and must be public. Subcommittees (Council members only so far) will meet next week. There will be ANR staff assigned to each of those, as staff. Three RFPs being posted for: facilitation, communication and help with data organization. Next full Council mtg is Feb 22, starting at 9 a.m.