

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

Happy Monday! Today's report includes another crop of newly introduced bills in the House and updates on committee activity in the Senate and House. Proposals for new statewide planning processes popped up in the Climate Caucus and in a new House bill. You can search for details on the [Leg website](#). Have a great week. --Faith Ingulsrud

House Bills

Reported by [Alex Weinhagen](#)

New Bills

Lots of relevant committee discussion this coming week! See highlighted section near the end of this report for that list. As for the week that just ended... Thirty-three new bills were introduced on the House side. I reviewed new bills through H.299. Here are brief summaries of the six with a planning nexus, and a summary of the relevant provisions in the House Transportation committee bill.

21-0655 – House Transportation Committee Bill – Contains changes to Title 24, Chapter 117 (municipal planning statute) regarding VTrans consultation on site plan review for projects that make changes to a State highway right of way, and on subdivision review for projects that are adjacent to a State highway right of way. Fairly innocuous based on my reading. **Note – because this is a “committee bill”, it doesn't have a normal bill number yet, and won't show up using the normal bill search function on the Legislature's website. You can find information and the current draft of this bill on the House Transportation Committee's website (<https://legislature.vermont.gov/committee/detail/2022/20>) – scroll down to the “Documents & Handouts” section, and click on the Browse by “Bills” tab.

H.273 – VT Land Access & Opportunity – This bill proposes to promote racial and social equity in land access and property ownership by creating grant programs, financial education, and other investments targeted to Vermonters who have historically suffered from discrimination and who have not had equal access to public or private economic benefits due to race, ethnicity, sex, geography, language preference, immigrant or citizen status, sexual orientation, gender identity, socioeconomic status, or disability status. Specifically, it would create a VT Land Access & Opportunity Fund to be managed by a board of the same name. The Board would award grants for the purchase of homes, farm property, land access and stewardship programs. It would also grant funds to the “Every Town Project” to purchase and hold land in trust in every municipality to promote land access and stewardship by Vermonters who have historically suffered from discrimination. The fund would be allocated \$10 million in the next fiscal year (FY22).

H.275 – VOREC Funding –This bill proposes to provide additional funding of \$550,000 to the Vermont Outdoor Recreation Communities (VOREC) grant program. This grant program began in 2018. The purpose is to help VT communities fully leverage their local outdoor recreation assets. Goals include: 1) growing outdoor recreation business opportunities; 2) increasing participation in outdoor recreation; 3) strengthen the quality and extent of outdoor recreation resources; 4) increase stewardship of outdoor recreation resources.

H.277 – Homeless Shelter Permitting – This bill purposes to allow municipalities to waive zoning permit procedures for homeless shelters during a declared state of emergency. It requires a municipal land use permit application within 30 days of the end of the state of emergency, if the shelter will continue to operate.

H.278 – Act 250 Municipal Master Plan Permits –This bill proposes to allow a municipality to apply for an Act 250 master plan permit for its downtown, village center, and neighborhood development areas.

H.292 – Regenerative Economy –This bill proposes to require the State to develop a plan for a regenerative economy by 2024. A regenerative economy is an economic system that works to regenerate natural and human resources. The bill envisions the creation of “People’s Assemblies” in each region of the state, to be facilitated by the 11 regional planning commissions. These People’s Assemblies shall create a regenerative economy plan for each region. Each plan shall address 32 goals and objectives. The creation of a Regenerative Economy Council at the state level is also included in the bill, to be responsible for creating a statewide regenerative economy roadmap. Various new grant programs are envisioned, to be administered by different State agencies. No specific funding is included in the bill.

Senate Bills

Reported by [Sharon Murray](#)

New Bills:

On the Senate side, 88 bills have been introduced to date, with one new bill of interest:

S. 87 – Emergency provisions, government operations - This bill, introduced by S. Government Operations, would institute in statute permanent provisions for government operations during declared emergencies. It specifically addresses public meetings under Vermont’s Open Meeting Law (1 VSA § 312a); quasi-judicial proceedings specific to Boards of Civil Authority (inspections, appeals); and amends Emergency Management statutes (under 20 VSA § 47) to generally allow for the extension or waiver of any statutory deadlines applicable to municipalities (but does not specifically amend Chapter 117). On the House Calendar for second reading. Very similar to COVID-related legislation passed last year. Also deals more specifically with health care licensing and staffing during emergencies such as a pandemic.

On the Floor:

S.14—ADUs, Deed Restrictions. This corrections bill, supported by VPA, was finally voted out of H. General, Housing and Military Affairs last week as passed by the Senate, and is now scheduled for a third reading and floor vote in the House. Expected to pass this week in concurrence.

In House and Senate Committees Last Week *(Reported by Sharon Murray and Daniel Jarrad)*

S.33 – Project-Based TIFs. S. Economic Development took additional testimony last week, along with a reorganized, strike-all version of the bill from ACCD. This version would reduce the number of allowed TIF districts approved by VEPC from six to four, and allow for no more than one approved district each in Bennington and Washington Counties. Under TIF pilot project provisions, the definition of “project” is amended to remove the \$1.5 million ceiling, to instead reference current project eligibility criteria. A definition of “coordinating agency” is added, allowing for municipal designation of TIF administration to an outside agency. Definitions of “nexus” and “TIF Project Zone” are also included that incorporate existing bill language as introduced.

A major difference appears to be new requirements specific to the TIF application and VEPC review process – including the submission of a “TIF project plan” that includes a project description, financing plan, pro forma of expected costs, revenue projections, a “but for” statement, evidence of outside sources of funding and investment (sought or obtained), and a development schedule that includes a list, cost estimates, and schedule for public improvements and projected private development to occur as a result. There’s still some ongoing discussion among committee members regarding the proposal to remove or increase the \$1.5 million project cap. VEPC has also requested language that would allow for multiple improvements to be included under one project.

S.79—State Rental Registry, Code Enforcement. Following their discussion on S.33 last Wednesday, S. Economic Development took up S.79, as introduced by committee members Sirotkin, Clarkson, and Balint. Sarah Carpenter (Rental Housing Advisory Board), Shaun Gilpin (DHCD), and Wendy Morgan (VT Legal Aid) all testified in support. As noted earlier, this bill appears to be a committee priority.

Senate Transportation. Joe Segale went over AOT’s proposal for studying and implementing road user charges that would serve the purpose of a gas tax on EVs and plug-in hybrids. There was push back from the committee, mainly Sens. Ingalls, Chittenden, and Mazza about the complexity and cost of the proposed programs. They would prefer to see a simple user charge applied when charging the cars. Chittenden would like to see more thought/investment in developing a “smart” traffic grid that would help manage traffic flow, etc., but could also track mileage of EVs. Concerns about data/location privacy were raised.

House Natural Resources. Long and rich discussion of Use Value Appraisal and old forests and Department of Forest Parks and Recreation's proposal to change the definition of old forests to make it easier for late-succession forests that exhibit limited human activity to qualify as old forest. Overall FPR is in favor of creating a path for actively managing the recruitment and support and retention of old forests. If there's a possibility of expanding the conservation land program so that enrolling forever-wild easements doesn't shut off restoration of those lands. Jill Remick with the Tax Department gave an overview of what happens when parcels are enrolled in current use. Shelby Perry, from Northeast Wilderness Trust, discussed the organization's process and criteria when considering a forever-wild easement.

Other News:

Cross-Over Deadlines Approach! –All Senate and House bills must be reported out of the last committee of reference – this year including Appropriations, Finance and Ways and Means, and all Committee bills –on or before Friday, March 12, 2021. Senate and House bills referred to the Committees on Appropriations, Finance, and Ways and Means must be reported out by the last of those committees on or before Friday, March 19, 2021.

EO 03-21—Governor's Commission on the Future of VT Agriculture. Governor Scott issued his third EO this session to create a 14-member commission, appointed by the Governor, to develop short- and long-term plans, and specific action items with measurable outcomes, to "help ensure that Vermont remains a vibrant agricultural State." AAFM and ACCD Secretaries (or designees) will serve as the co-chairs. Appointments are to include nine industry representatives, and three members that have relevant policy or land use expertise to represent agricultural, educational and or business services; environmental conservation and/or climate change; and land use and/or succession planning. An "immediate" action plan is anticipated by November 2021, followed by supplemental reports that assess associated impacts in 2022 and 2023.

Committee Agenda Items of Interest This Week - Feb 23-26

Agendas as of Feb 22. These are subject to change so please check relevant committee webpage for the latest updates:

H.84 – Neighborhood Development Area Tax Credit – Discussion with legislative counsel and DHCD staff in the [House Commerce and Economic Development Committee](#) on Tuesday (Feb 23) at 3pm, and again on Wednesday (Feb 24) at 9am.

H.108 – Section 401 Certification for Wetlands – Continued discussion in the [House Natural Resources, Fish and Wildlife Committee](#) on Tuesday (Feb 23) at 9am and 1pm. Possible committee vote.

H.129 – Project Based TIF Pilot Project – Companion bill to S.33 on the Senate side. Discussion with legislative counsel and invited guests in the House Commerce and Economic Development Committee on Wednesday (Feb 24) at 10:45am and again in the afternoon.

H.159 – Better Places Program – Bill walk-through by legislative counsel and committee discussion in the House Commerce and Economic Development Committee on Tuesday (Feb 23) at 9am and 1pm.

H.256 – Rental Registry & Code Enforcement – Bill introduction by the sponsor and walk-through by legislative counsel in the House General, Housing, and Military Affairs Committee on Wednesday (Feb 24) at 9:15am.

H.200 – Short Term Rentals – Bill introduction by the sponsor in the [House General, Housing, and Military Affairs Committee](#) on Wednesday (Feb 24) at 9:15am.

H.232 – VHCB Racial, Ethnic, Economic Equity - Bill introduction by the sponsor in the House General, Housing, and Military Affairs Committee on Wednesday (Feb 24) in the afternoon.

H.273 – VT Land Access & Opportunity - Bill introduction by the sponsor in the House General, Housing, and Military Affairs Committee on Wednesday (Feb 24) in the afternoon.

S.25 – Cannabis Regulation Revisions – Discussion of aspects of the bill relevant to government operations with VLCT in the [Senate Government Operations Committee](#) on Tuesday (Feb 23) at 1:30pm and 2:15pm, and again on Thursday (Feb 25) at 3:30pm.

S.25 – Cannabis Regulation Revisions – Discussion with various invited guests in the [Senate Judiciary Committee](#) on Thursday (Feb 25) from 9am-Noon, and again on Friday (Feb 26) at 8:30am for committee markup of the bill.

S.33 – Project-Based TIFs - On Senate Economic Development, Housing & General Affairs Committee agenda on Wednesday (Feb 24) at 10:40am for committee discussion; and on the agenda again on Thursday (Feb 25) at 10:10am for a possible vote.

S.79—State Rental Registry, Code Enforcement - Discussion with various invited guests in the Senate Economic Development, Housing & General Affairs Committee on Thursday (Feb 25) at 10:30am; and on the agenda again on Friday (Feb 26) at 9:15am for a possible vote.

Downtown Bylaws Bill (no bill number). Discussion with various invited guests in the Senate Economic Development, Housing & General Affairs Committee on Wednesday (Feb 24) at 9:40am; and again on Thursday (Feb 25) at 8:30am.

Climate Caucus and Council

Reported by [Peg Elmer Hough](#)

Climate Caucus, February 18

Rep. Gabrelle Stebbins (Burlington) announced she was finalizing legislation for:

1. A short bill to direct the Joint Fiscal Office (JFO) and Secretary of Administration to annually (by September 1) conduct an economic analysis and forecast (over a 50 year period) of the fiscal impact, as well as human and public policy challenges, of climate change. JFO admits they only look at 5 years into the future.
2. Establish a study committee to make recommendations on reviving and modernizing an SPA (State Planning Office -- by some other name, to be determined) aimed at meeting climate goals and environmental sustainability, and asked for any interested co-sponsors to contact her. Currently aimed to focus on 5 areas "well beyond land use", including:
 - prioritization of investments,
 - community engagement, equity and language access in gov't operations,
 - standardized data collection and management
 - inter-governmental communication and coordination, and
 - long-term emergency and disaster preparation and recovery.

She spoke to the gap Vermont has, at the state level, in coordinating planning. This is a needed piece that VPA has never stopped advocating for. We've been well represented in various studies, for decades. The SPO was turned into a State Office of Policy Research and Coordination in the late-'80's, fading away to a limp during the Dean Administration and sent into oblivion under Governor Douglas. It's so good to have the issue pop up unexpectedly from a freshman representative!

There were a wide range of other bills noted, several of which VPA, and our intern Daniel, are following, such as the weatherization bill and H. 94, the "de-carbonization of transportation" bill. Rep. White noted that H.94 will be added to the overall big "T" bill, which should help it come to pass! Other bills under development are a Senate Agriculture Committee bill to facilitate composting food scraps, and another energy bill to require that state buildings only install heating systems utilizing renewable energy. There was progress noted on broadband and contractor registry legislation...and more.

Their next regular meeting will be noontime on March 4. *The Climate Caucus meets every other Thursday at noon, over a YouTube livestream, to review legislation of interest. In order to view, first join the Vermont Climate Caucus on YouTube. They are generally late starting up, so be patient. Eventually the livestream will pop up as a choice. They are utilizing the same time on the off-weeks for various presentations of interest, but didn't announce what the next topic will be. They do post a recording of their meetings, if you want to listen to detail on something noted*

above. Their regular meeting features a quick summary, from representatives of each committee, A-Z, in both chambers on legislation that would be of interest on the climate angle.

Climate Council, February 22

They've received a "powerful" list of over 300 applicants for subcommittees and hope to make decisions by the end of this week on members to invite. The subcommittees will create "workgroups", trying to spread the workload to meet the difficult challenge and tight timeline.

This meeting was aimed at clarifying subcommittee charges, how to handle overlap, and expanding assignments to plug up gaps in the legislative directive. Each of the subcommittees reported on their reflections on timelines and how to identify milestones needed to meet their June and December 1 deadlines. Overlap was noted with the state energy plan work and this process. Several members are key to both, which will help inform both processes.

Subcommittees:

Rural Resilience and Adaptation – Erica Borneman and Catherine Dimitruk, Co-Chairs

Will work on several areas of interest to VPA, such as:

- Developing recommendations on how to "develop a "municipal vulnerability index".
- how to develop a municipal preparedness assessment tool
- Recommendations on integrating planning, at local and regional level (what about state?), x sectors: land use, trans, energy, operations

Chris and Catherine raised existence of local and regional energy and hazard mit plans

X-Sector Mitigation – Rich Cowart and Peter Walke, Co-Chairs

Viewing their charge as reducing emissions across all sectors of the economy. Flagged question on overlap with Ag and Ecosystems subcommittee: both need to agree on data, but who should ID issues first? Noted that the 2025 energy goals are steep and will push solutions that give quick results. Concentrating on five areas: Power production and distribution, building and heating, transportation, chemical and industrial emissions, finance/funding/capital coordination

Just Transitions – Sue Minter

Concerned about their membership and how to reach who's missing...before getting to reflecting on their charge and timeline. Pressed hard on the engagement methods to reach vulnerable citizens

Timeline: Want to engage people, not just to help develop a plan, but to engage to help drive legislation and implementation

Agriculture and Ecosystems – Billy Coster and Abbie Corse, Co-Chairs

Working on: full carbon budget, storage and sequestration, reducing GHG emissions from land conversion, forestry and ag work

Open to role of providing advice to other subcommittees on emissions reductions re: ag and forestry land use

Thinking about food systems/food access and the connection to community resilience

Science and Data - Lesley-Ann Dupigny-Giroux and TJ Poor, Co-Chairs

See their charge as supporting all the subcommittees. Will: create an inventory of what's known, using the best science possible. Aim to do this from a holistic perspective and framing to serve the human population. Examining how to monitor and evaluate progress into the future. Particularly interested in atmospheric and economic modeling.

Discussion:

Opportunity for other groups, not clearly represented on the Council or subcommittees, to engage. RFP developed but several members are concerned still and seeking alternate means to empower broader engagement. Both outreach and empowering deeper engagement.

Sec. Young requested an inventory of what's already been done, what's on hand, what's worked and what hasn't, what is the gap of what really needs to be worked on

Received 15 RFPs for technical services, and for engagement and outreach (and 5 for facilitation services, to start in April). Will have technical services contract in place by the end of April.

Timeline:

Potential pathways and strategies for their April mtg
Draft framework of plan and recommendations due for May mtg
Testing draft via public engagement over June
Draft Climate Action Plan by September
Final public process in October
Final plan submitted December 1

Finally:

Background presentation by Jared Duval, Energy Action Network on progress (overwhelmed by increases) VT has made and the current dilemma. Transportation and thermal are the largest and most significant sources of emissions to address. VT has highest per capita emissions in the NE region, and highest vehicle miles traveled per capita. Wealthiest use the most, but lower income pay a higher share of their income to energy. VT is running on the lowest emitting electricity in the country. Illustrations indicate needing to up the current ante, such as weatherization and EV purchases, about 10x faster in order to meet goals. Sum up: we know how to do it, it is possible, and the changes lead to significant personal cost-savings, great jobs and a huge savings in dollars leaving VT.

Next mtg: Feb. 29, likely 8:30 a.m. start. Review of list of identified milestones from each subcommittee, by when, to meet deadlines, and providing to public for feedback