

Vermont Planners Association (VPA) Legislative Report - April 5, 2021

Happy April! Rental Registry and the Housing bills passed the Senate but without funding for the programs created in those bills. Both will be introduced in house committees this week along with the Act 250 bills and the Project Based TIF bill as well as others we have been tracking. The Climate Caucus heard a summary of what the American Rescue Plan Act will bring terms of funding and restrictions on those funds. --Faith Ingulsrud

House Bills

Reported by Alex Weinhagen and Faith Ingulsrud

No new bills of interest were introduced on the House side last week.

In House Committees This Week

DR 21-0956 - Act 250 VT F&W review reimbursement and other miscellaneous natural resource and development subjects - possible vote in House Natural Resources, Fish and Wildlife on Tuesday (4/6) at 9 AM.

House Natural Resources will receive introductions to a number of bills on Tuesday afternoon (4/6) starting at 1 PM including:

- **H. 175 - Beverage container redemption system**
- **S. 101 - Housing choice and opportunity in smart growth areas**
- **H. 278 - Act 250 municipal master plan permits**
- **H. 400 - Changes to the Natural Resources Board and Act 250**
- **H. 120 - Act 250 Updates**

On Wednesday (4/7) at 10:30 AM, House Natural Resources will hear from Peg Elmer representing VPA and Brian Shupe of VNRC speaking on Act 250. Others including Annette Smith of Vermonters for a Clean Environment will speak on Wednesday..

H.232 and H.273 - Racial and Social Equity and Access to Land - these two bills will be taken up by the House Committee on General, Housing, and Military Affairs on Tuesday, 4/6 at 1:00 PM and again on Thursday at 11:00 AM.

S.79 – Rental Registry & Code Enforcement – Testimony being taken in House General, Housing, and Military Affairs on Wednesday (4/7) at 9:15am.

S.66 – E-Bicycle Regulation. Testimony being taken in House Transportation Thursday (4/8) at 10:45 AM.

S.33—Project-Based TIF Pilot Program - House committee on Commerce and Economic Development will take testimony on Wednesday (4/8) starting at 9 AM and continuing into the afternoon.

Senate Bills

Reported by Sharon Murray, with special thanks for input/updates this week from Regina Mahony and Legislative Intern, Daniel Jarrard.

On the Move:

To date, a total of 133 bills have been introduced in the Senate, and 47 bills have been passed, including 5 bills sent over from the House. Of note last week:

S.79 – State Rental Registry, Code Enforcement. S.79 passed the Senate on Tuesday as amended to reinstate language that authorizes the establishment of the Vermont Rental Housing Investment Program, but without the \$3 million initially appropriated for this purpose (to be determined, for inclusion in the Budget Bill). The fund, established in recognition that Vermont’s rental housing stock is some of the oldest in the country, is intended to provide incentives (grants, loans) for private owners to make significant weatherization and other improvements to their properties (especially as necessary to meet state codes?). The full text of the bill as passed has not yet been posted, but H. General, Housing and Military Affairs got an introduction on Wednesday.

S.101 – Bylaw Grants, NDA Tax Credits, Facility Connections. S.101 also finally passed the Senate on Tuesday, to include the new but yet unfunded “Municipal Bylaw Modernization Grant” Program under Chapter 117, which is intended to increase housing opportunities and choices in smart growth areas served by water and sewer infrastructure. As passed it also expands the existing tax credit program to include designated Neighborhood Development Areas, but does not increase the annual program limit.

It also (somewhat controversially) allows municipalities to register with ANR to authorize infrastructure connections, subject to documentation that:

- the municipality owns or has control over the connections,
- the connections comply with DEC technical standards,
- the municipality requires certifications of compliance to be filed in the land records, and
- the municipality requires that a notice of an authorized connection be posted on the property as part of the posted notice required for the issuance of a zoning permit.

DHCD’s proposed training program for developers to promote ADUs and more incremental infill development was not included in the final version as passed.

In Committee:

S.102 – Onfarm Composting. This bill, as passed by the Senate – as amended to preclude on farm composting of residual food waste in state designated areas – got a walk-through in H. Ag and Forestry last Tuesday. In three days of testimony, the committee also heard from farming, industry, and state agency reps, and a neighbor to an existing composting operation.

S.33 – Project TIF. The Senate version of S.33 has not yet been taken up in H. Commerce as passed. The committee spent most of its time last week on the COVID bill, and potential ARPA appropriations.

S.96 – State Planning Office Study. This bill also didn't get any time in S. Government Operations last week, but Senator Ram who sponsored S.96 has reached out for VPA support to help advance both S.96 and H.306, its companion in the House, in committees of jurisdiction (H./S. Government Operations, S. Finance).

S.119 – Community Energy Program. S. Natural Resources and Energy continued to take testimony last week on their proposed community energy program from DPS, VPIRG, solar providers, and utilities. To be continued on Tuesday (4/6).

S. Natural Resources, Energy – S. Natural Resources also followed up on their previous request to the JFO and DEC to inventory funding in support of Clean Water projects, focusing on wastewater and stormwater infrastructure. The committee is trying to establish a list of projects that may qualify for federal dollars under ARPA, or a separate infrastructure bill. ANR has been tasked with coming up with a list in the coming weeks, but asked the committee to more clearly define their funding priorities. It appears that this, along with the committee's two energy bills (S.109 and S.119), as well as recently passed House legislation, will be taking up much of their remaining time this session. Act 250 is not currently on their agenda.

Senate Calendar, Week of 4/6:

S.119 – Community Energy Program. S. Natural Resources & Energy, Tuesday (4/6) after the floor (9:30 AM).

S.109 – Enhanced Energy Savings (Weatherization). S. Natural Resources & Energy, Wednesday (4/7), 11:00 AM.

H.159 - Economic Development and Workforce Revitalization. S. Economic Development has scheduled a walk-through on Tuesday at 10 AM, followed by testimony from DHCD staff and others on the Better Places Program (a component for the bill) on Wednesday morning.

Climate Caucus and Council

Reported by Peg Elmer Hough

The (legislature's) Climate Solutions Caucus:

March 25: The "Resilience Working Group" of the Climate Solutions Caucus had presentations from Joe Segale of VTrans on the planning work they're doing, such as to map roadways vulnerable to erosive flooding, and from Jim Ryan at DEC on the work they're doing to support local road crews to improve their practices, such as ditching, drainage and sloping to help dry out the traveled way and minimize erosive action from intense flooding.

April 1: Steve Klein of the Joint Fiscal Office (JFO) shared what he knows with the Caucus members re: the American Rescue Plan Act (ARPA) funds coming, an extraordinary one-time influx from several sources.

- \$1 billion in ARPA is definitely for water, sewer and broadband. It's hoped it can be applied also to weatherization, including training to do the weatherization
- Funds can be spent in January, when the regulations re: its use are issued, and doesn't have to be spent until 9/2024
- There are also the COVID funds, that can be spent on public health and the economic impact of the pandemic.
- There is a fund aimed at schools, to be spent by 10/2024
- Biden's infrastructure bill could bring more!
- None of the above can be spent on pensions - that's explicit
- The JFO is trying to influence the separate funding that's going directly to towns, such that some will go to sources that support municipalities but aren't covered by any of the above, such as the rpc's.

Given this amazing 3 yr bump in revenues, JFO is cautioning that Vermont needs to build up its reserves for the hole that will be felt when it's over.

The Caucus then discussed dividing up into categorical subgroups, such as transportation or food systems, to develop recommendations over the summer on how best to allocate the one-time funds

Vermont Climate Council, Steering Committee:

The Steering Committee met on April 1. They're still getting their feet under them, in order to zoom to the Dec.1 deadline for the Plan. They discussed the RFP for technical services and a new table delineating which subcommittee is the lead on which topics, as well as identifying where and which subcommittees have overlaps and need to communicate early on those issues. They discussed an outline for the plan. Concerns were expressed, after working so hard in choosing people directly participating, re: members delegating their seats to someone else if they'll be absent for a while. It was decided that a chosen, consistent substitute may participate as "public" to provide continuity and communication for the member missing.

Public engagement will be led by the Just Transitions subcommittee.