

## **Vermont Planners Association (VPA) Legislative Report - April 19, 2021**

VPA representatives and members testified before several legislative committees last week - the busiest week for planners in the legislature this session. While there was much discussion, there was no movement on any bills we are following. More VPA testimony coming up this week on S.101.

*--Faith Ingulsrud*

### **House Bills**

*Reported by Alex Weinhagen with assistance from Legislative Intern, Daniel Jarrard, Sharon Murray and Faith Ingulsrud*

#### **Committee Discussion Last Week**

**S.79 – Rental Registry & Code Enforcement** – This bill passed the Senate and is currently in House General, Housing and Military Affairs. The committee heard favorable testimony and had positive discussions about the bill on April 14. Shaun Gilpin (DHCD, Housing Program Administrator) talked about the homeownership program that was in H.256 – see sections 11 & 12 of H.256 to create a VT Homeowners Revolving Loan Fund. The committee was very interested in it and is considering including it in S.79.

Kevin Geiger, TRORC, in testimony to the committee discussed the intersection of the bill with municipal zoning, including the need to share registry information with municipalities and E911, as well as the general need for more rental inspections, given the number of substandard rentals. He also provided information on “[Keys to the Valley](#)” – the Upper Valley housing initiative in collaboration with the Upper Valley Lake Sunapee Regional Planning Commission (UVLSRPC) in New Hampshire, and the Mount Ascutney Regional Commission (MARC - formerly the Southern Windsor County Regional Planning Commission) along with their legislative recommendations.

**S.33 – TIF Districts & Project-based TIF** – This bill passed the Senate and is currently in House Commerce and Economic Development. The committee discussed the fiscal components of the bill on Tuesday and discussed next steps on Friday. A couple committee members are very hesitant about the idea of project-based TIFs. Everyone weighed in from their perspective – very mixed support – and went through summarizing the pros and cons. In addition to the perceived hit on the education fund, there was concern about the potential risk that smaller communities may face in the event that development doesn’t happen – and also a lot of interest in how ARPA \$ may be used instead to fill the gaps. There was some discussion about waiting to see how this plays out before potentially advancing the bill next year. Also discussed reducing the number of TIF districts to accommodate 3 – 4 pilot project TIFs. In the end, the committee decided to check in with H. Ways and Means (they don’t want to spend more time on a bill that can’t make it through their companion committee) – and also VEPC and

ACCD – to discuss their concerns and potential alternatives. Noted that they would take up the discussion again (this week ?) after they obtained more feedback and information.

**S.101 – Housing and Bylaw Modernization** – This bill passed the Senate and is currently in House Natural Resources, Fish and Wildlife. The committee took testimony from a number of witnesses on April 14. Alex Weinhagen delivered supportive testimony from VPA, with a focus on adding the necessary funding to help the municipal bylaw modernization program without adversely impacting the existing Municipal Planning Grant program. Also made suggestions for minor wording revisions. Sue Fillion from the Brattleboro Planning & Zoning Department also provided supportive testimony. Other witnesses included Karen Horn (VLCT), Jeff Wennberg, Annette Smith, Bryan Redmond (DEC), Amy Polaczyk (DEC). Fair amount of testimony and conversation about the water/wastewater permitting provision of the bill – to remove duplication between State and Municipal permitting. More committee testimony/discussion on this this coming week.

**Act 250 Reform – H.120 & H.400/S.112** – The House Natural Resources, Fish and Wildlife Committee took extensive testimony on April 15, including VPA perspective delivered by Sharon Murray. Testimony from Brian Shupe and VNRC helped support elements of VPA's testimony. Sharon went over specific recommendations for the Capability and Development Plan, and advocated reinstating the plan in statute. She also highlighted the need for updated data and maps, and that it would be beneficial to have one set of maps that are used for Act 250 review. For interstate interchanges, Patrick O'Brien (Developer for SD Ireland) listed a number of recommendations and advocated strongly for focusing any possible development close to the interchanges. Both Brian and Sharon agreed that chapter 117, sec. 4348 should be amended to direct RPCs to develop policies around interchanges and to define the typologies of those areas. Sharon stated that she's supportive of updating plans to more specifically address interchange areas, but is concerned about establishing jurisdiction in these areas until planning is done. The importance of river corridors was introduced to the committee, but there wasn't a full discussion of this issue, and VPA's testimony on this jurisdictional issue wasn't covered. More to come as the committee continues the conversation.

#### **House Calendar, Week of 4/19:**

**S. 79 - Rental Housing** - H. General, Housing and Military Affairs Committee (GHMAC) will discuss and mark up the bill starting Tuesday (4/20) at 1:00 PM and resuming Thursday at 9:15 AM.

**H. 232 - Land and Economic Opportunity** - GHMAC will take testimony following the S.79 discussion on Tues and Thursday this week.

**Governor's Housing Proposal** - DHCD Commissioner, Josh Hanford will present the proposal to GHMAC on Friday at 9 AM.

**S. 101 - Housing and Bylaw Modernization** - H. Natural Resources and Fish and Wildlife Committee will take testimony at 1:00 PM on Monday 4/20. Alex Weinhagen will represent VPA once again.

## **Senate Bills**

*Reported by Sharon Murray, with thanks to Legislative Intern, Daniel Jarrad, who actually sat through several of these meetings. (Note that underlined text marks up-coming committee activity.)*

### **Committee Discussion**

Last week was pretty quiet in the Senate, from a reporting perspective. Most committees are still hard at work on budget-related program allocations under the appropriations, capital, and transportation bills sent over from the House, including ongoing discussions on how to allocate anticipated ARPA funding. Here's a quick summary,

**S. Appropriations** -- This group is carrying the heavy weight right now, in trying to align House, Senate, and Administration funding priorities, particularly for waterfall funding under ARPA, without yet knowing all of the details. Last week this included a review of the proposed [one-time funding list](#) sent over from the House. They'll be marking up the appropriations bill (H.439) all this week, with a possible committee vote scheduled for Friday. The vote on the appropriations often indicates the start of the session wrap-up.

**S. Economic Development** -- Still working through this year's community, economic and workforce development bill (H.159) --- last week focusing largely on workforce development.

**S. Finance** – Continues to be all about energy and technology, including a review of proposed taxing and program financing strategies under a number of related bills, including community broadband (H.360), PEV incentives and rate design under the transportation bill (H.433), and miscellaneous energy subjects (H.431) that had DEC and DPS planning staff in committee last week.

**S. Government Operations** -- VPA submitted its written support for the State Planning Office bill (S.96) last week, as requested by bill sponsors; but this currently isn't on their radar. The committee is understandably wrapped up in proposed legislation to establish a commission/task force to address Vermont's state pension woes (H.449), and the Governor's proposal to create an Agency of Public Safety. Planning legislation will likely take a back seat to more immediate concerns for the remainder of the session.

**S. Institutions** – The committee has been busy marking up the capital bill (H.438) for a possible committee vote this week. DHCD is scheduled to meet with them on Thursday re ARPA funds.

**S. Natural Resources, Energy** – The group is still working on a strike-all version of their weatherization bill (S.109) that was initially introduced in advance of crossover. Last week's meetings included a discussion of how and where ARPA funds could be used under the bill.

They also reviewed a proposed amendment from Senator Perchlik to add incentives for advanced wood heating. Their focus remains very much on energy – likely nothing much to do with planning or Act 250 on their calendar for the remainder of the session, but they have invited VTrans, the NRB, and VNRC to discuss sections of the transportation bill (H.433) on Tuesday. They also plan to ask for meeting time this summer to address long-term weatherization funding, and to lay the groundwork for related transportation initiatives in the coming year. Committee priority setting for FY22 is scheduled for Wednesday. Also of note: they'll be meeting with Diane Snelling, NRB Chair, on Thursday, who is up for a confirmation vote in the full Senate on Friday.

**S. Transportation** -- The committee continued to take testimony last week from a variety of groups on sections of the transportation bill (H.433) specific to proposed programs, including town highway funding, and VTrans' draft federal infrastructure funding proposal. It looks like the committee will be finishing up its work on the bill in advance of a scheduled vote on Wednesday.

### **Senate Calendar, Week of 4/19:**

**H.159 – Community, Economic Development, Better Places.** S. Economic Development has testimony scheduled from a variety of stakeholders (VLCT, racial equity organizations, women & enterprise, economic development, tourism, etc.): Tuesday (4/20), Wednesday (4/21) and Thursday (4/22).

**H.433 - Transportation Bill** - S. Natural Resources is taking testimony from a number of people related to Act 250 at 11 AM on Tuesday 4/20. S. Transportation will review and vote on the bill at 9 AM on 4/21.

### **Climate Council**

*Committees are hard at work - no news of note so no VPA report this week.*