

Vermont Planners Association (VPA) Legislative Report – January 23, 2023

The first week of the legislative session was largely dedicated to introductions and overviews, but the second week brought some more substantive legislation from a planning perspective. See below for reporting by Alex Weinhagen, Kati Gallagher, and Kerry Brosnan.

Senate Bills

Reported by Kati Gallagher and Kerry Brosnan

New bills introduced

S.23 – Prohibiting Certain Forms of Discrimination – this bill would make a minor change to housing discrimination provisions (9 V.S.A. § 4501) prohibiting discrimination on the basis of a person’s weight.

Updates on planning bills

S.5 - Clean Heat Standard – Senate Natural Resources and Energy continues testimony on this bill this week. Also noteworthy, the Governor’s budget includes his own version of addressing greenhouse gas emissions in the thermal sector, [as reported by VT Digger](#).

House Bills

Reported by Alex Weinhagen and Kerry Brosnan

New bills introduced

H.56 – Ratepayer Protection and Thermal Energy Network Act – This bill proposes to give the Public Utility Commission (PUC) jurisdiction over the construction and operation of utility model thermal energy networks. It would require the Commission to adopt rules on the permitting process for such operations. It prohibits the PUC from approving permits to expand natural gas service territory. It also directs the Commission to change the energy assistance program options for customers with low incomes and would require the Commission to adopt rules that include a tiered discount system.

H.58 – Zoning Administrator appointment – This bill would make a minor change to the incompatible positions that a ZA cannot also hold. Existing statute prohibits a ZA from serving on the board of adjustment or the development review board. As proposed, the municipal planning commission, the regional planning commission, and the legislative body (e.g., Select Board, City Council) would also become incompatible for ZAs.

H.64 – Prohibiting wake boats – This bill proposes to allow the municipality or municipalities surrounding an oligotrophic lake to prohibit the use of wake boats on the oligotrophic lake and to create a modified process for the Agency of Natural Resources, Department of Environmental Conservation, to amend the Vermont Use of Public Waters Rules when a municipality or municipalities surrounding an oligotrophic lake have prohibited the use of wake boats on the oligotrophic lake.

H.68 – Housing and municipal permit reform – This bill proposes to remove various State and municipal regulatory barriers for fair zoning and housing affordability. This is the housing and permit reform bill initiated by Representative Bongartz. It includes a variety of helpful changes as well as some

problematic pre-emptions of municipal zoning, particularly in areas served by municipal water and sewer – e.g., mandatory allowance for residential density of five units per acre; mandatory bonuses for affordable housing projects (40% density bonus and an extra floor above building height maximums); parking requirements limited to no more than one space per dwelling unit. It looks like the provisions of this bill will be taken up by the Senate first – see note below. The VPA Legislative Committee is preparing testimony with suggested revisions.

**** NOTE** – The provisions in this House bill have been incorporated into a larger omnibus housing bill, which is currently in draft form and under discussion in the Senate Economic Development, Housing, and General Affairs committee. Discussion of the municipal permit reform sections began on Friday (1/20/23). You can find the draft bill (DR 23-0091) on the committee’s website [here](#). Individual VPA members are encouraged to review the bill, and contact members of this Senate committee with comments. Be sure to copy your email to the committee staff person as well. Contact information for these five Senators and the committee staff assistant is available on the committee’s website [here](#). We recommend forwarding these comments to your legislators as well, so they are in the loop early on. Please forward your comments to [Alex Weinhagen](#) and [Darren Schibler](#) as well, so our VPA Legislative Committee is aware of them.

H.70 – Telecommunications facilities, PUC review extension – This bill proposes to make multiple changes to 30 V.S.A. § 248a, the statute that governs the siting of telecommunications facilities, including extending the sunset on applications for an additional three years. In other words, continued pre-emption of any municipal review of telecom facilities – i.e., as it has been for several/many years.

H.73 – Revoking Vermont's use of California's Clean Air Act waiver – This bill proposes to prohibit Vermont from using California’s Clean Air Act waiver to set motor vehicle emission standards. Introduced by members of the minority party, this bill is unlikely to go anywhere.

H.74 – Repeal of the Global Warming Solutions Act – This bill proposes to change the State’s greenhouse gas reduction requirements to goals and repeal the Vermont Climate Council. Introduced by members of the minority party, this bill is unlikely to go anywhere.

Updates on planning bills

Housing Bill – Bongartz & Ram Hinsdale – As noted above under H.68, the Senate Economic Development, Housing, and General Affairs Committee began discussing housing-related municipal permit reform on Friday (1/20/23), as part of a large, draft omnibus housing bill. The draft Senate bill currently includes some interesting new sections that are not in the H.68 bill: appeals of ZA decisions (section 5a); RPCs providing “Housing Resource Navigators” with \$300,000 in funding to make that happen (section 11a); some significant Act 250 jurisdictional changes and exemptions (section 12). It also includes many more sections on funding that show lots of promise, but haven’t been fleshed out yet. This bill has not been formally introduced, but can be found on the committee’s webpage. It may become a committee bill. Unclear as of Friday. Some concerns being discussed by the VPA Legislative Committee were also raised by Senators during Friday’s initial discussion.

H.42 - Public meetings, extending flexibility – This bill was fast tracked. It passed both the House and Senate last week, and is now awaiting the Governor’s signature. It would extend covid-era public meeting allowances until July 1, 2024 – e.g., annual meeting scheduling, remote participation, fully remote public meetings, etc. However, note that the time extension for posting meeting minutes has NOT been renewed.

Online Resources

[Bill, Act and Resolution search page](#), past [VPA Legislative Reports](#), upcoming [House / Senate Committee Meetings](#), and the weekly [VLCT legislative report](#).