

Vermont Planners Association (VPA) Legislative Report – January 31, 2023

Not much new on the Senate side this week as discussion of the omnibus housing bill and affordable heat act continue, but plenty of new bills in the House. 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.38 – Act 250 Downtown Master Plan Permits – this bill would allow municipalities to apply for master plan permits from Act 250 designated downtowns and neighborhood development areas, which in turn would allow individual projects to be reviewed as permit amendments. The bill also would allocate \$300,000 to the Municipal and Regional Planning Fund and \$500,000 to the Natural Resources Board to support applications for master plan permits. Unclear if this bill has legs.

Updates on planning bills

S.5 - Clean Heat Standard – Senate Natural Resources and Energy continued testimony on this bill.

DR-0091 – Omnibus Housing (not yet) Bill – see summary under House Updates on Planning Bills.

House Bills

Reported by Alex Weinhagen and Kerry Brosnan

Updates on Planning Bills

H.42 - Public meetings, extending flexibility – This bill was fast tracked and signed by the Governor on January 25 (Act 1). It extends most of the covid-era public meeting allowances until July 1, 2024 – e.g., annual meeting scheduling, remote participation, fully remote public meetings, etc.

Omnibus Housing Bill – Senate Economic Development, Housing, and General Affairs – Discussion of the omnibus housing bill (DR 23-0091) continued in this Senate committee. Nearly every day was packed with testimony from a variety of experts and interest groups. You can find the draft bill (DR 23-0091) on the committee’s website [here](#). Discussion of the municipal permit reform and pre-emption portions of the bill continue to generate a lot of comments – see sections 1-9.

- **Section 1 – Parking** – restricts how much can be required to no more than one space per dwelling unit
- **Section 2 – Density & Building Height** – when served by municipal water and sewer: municipality must allow a residential density of at least five units per acre; mixed use developments and affordable housing developments must be granted a 40% density bonus and additional building height (one more habitable floor) beyond the municipality’s maximum.

- **Section 3 – Emergency Shelters** – requires that this use type be allowed, and limits review in the same fashion as uses listed in section 4413(a)(1) – e.g., schools, state buildings/uses, churches, hospitals, etc.
- **Section 4 – Definitions** – provides definitions for “duplex”, “emergency shelter”, “multi-unit dwelling” – would allow each unit of a duplex to have an ADU
- **Section 5 – Bylaw Reporting** – requires additional reporting to the State (DHCD) when municipal bylaws are updated
- **Section 5a – Appeals** – changes who can appeal a ZA permit/action; eliminates the category of “Any 10 persons”
- **Section 6&7 – Subdivision Administrative Approval** – allows municipalities to enable administrative review of minor subdivisions
- **Section 8 – Appeals** – prohibits appeals of municipal conditional use approvals for residential development on the basis of “character of the area” for projects within certain State designation areas: downtowns, neighborhood development areas, and growth centers.
- **Section 9 – Decisions** – for housing development, prohibits municipal review boards from imposing conditions that would increase lot size or parking requirements, or reduce density or building size beyond what is required/allowed for in the municipality’s land use regulations. Includes an option to do so if the municipality demonstrates it is required by a non-discretionary standard (e.g., wetlands, flood hazard area, etc.), and that it will not result in an unequal treatment of housing or an unreasonable exclusion of housing development

VPA is finalizing our comments. We will distribute these to everyone once the Executive Committee reviews, edits, and approves them. Alex Weinhagen is scheduled to deliver VPA’s testimony on Wednesday (2/1). 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 me as well, so our VPA Legislative Committee is aware of them.

New bills introduced

H.95 – Municipal energy resilience grant revision – This bill proposes to amend the Municipal Energy Resilience Grant Program to add the purchase or replacement of equipment that reduces energy consumption to the list of eligible uses of a grant award.

H.96 – Clean Heat Standard (House version) – House version of the Senate bill that is already under discussion (S.5). This bill proposes to establish the Clean Heat Standard to reduce Vermont’s greenhouse gas emissions from the thermal sector. The Clean Heat Standard shall be administered by the Public Utility Commission with assistance from the Clean Heat Standard Technical Advisory Group and the Equity Advisory Group.

H.100 – Pedestrian Safety – This bill proposes to allow municipalities to seasonally install in-street pedestrian crossing signs in crosswalks, allow municipalities to lower certain speed limits on State highways, and express the General Assembly’s intent that the Traffic Committee should not increase the speed limit on a State highway in response to a municipality’s request that the speed limit be lowered.

H.101 – Transportation Affordability Act of 2023 – Multifaceted bill with many provisions - e.g., VTrans plan for greenhouse gas reductions; transportation and climate initiative program; self-funded feebate program based on car efficiency; appropriate funds for bike/ped program and ebike incentive program; amend the State’s transportation policy related to emissions and infrastructure; update complete streets policy; VTrans update of the VT State Standards; work with Amtrak on service modifications; appropriate funds to maintain zero-fare service on urban public transit.

H.105 – Community Resilience & Disaster Mitigation – This bill proposes to create the Community Resilience and Disaster Mitigation Grant Program and the Community Resilience and Disaster Mitigation Fund. This bill also increases the assessment on certain insurance company premiums for the Community Resilience and Disaster Mitigation Fund.

H.110 – Telecom facilities, PUC review extension (bill #2) – This bill proposes to extend the sunset on applications under 30 V.S.A. § 248a, the statute that governs the siting of telecommunications facilities, for an additional three years. In other words, pre-empting municipal review of telecom facilities until 2026. Essentially does the same as H.70.

H.111 – Workforce housing & Permitting – Tackles the housing issue from a different angle than the municipal permitting pre-emption in H.68. This bill proposes to make multiple changes related to housing investment and regulatory reform. It would amend the Vermont Rental Housing Improvement Program to expand eligible uses of funds and provide additional funding, amend the Missing Middle-Income Homeownership Development Pilot Program to expand geographic distribution of funds and provide additional funding, and create the Middle-Income Rental Housing Revolving Loan Program and a revolving loan fund to provide subsidized loans for rental housing developments that serve middle-income households. The bill would also amend the Municipal Bylaw Modernization Grant Program to exempt municipalities with populations of less than 1,500 persons from the grant requirement to implement the complete streets principals. It would appropriate funds to the Municipal Planning Grants with a portion of the grants reserved for municipalities that do not yet have a municipal plan or do not yet have zoning bylaws. The bill proposes to hire Housing Resource Navigators at the Vermont Association of Planning and Development Agencies for use by the regional planning commissions. It would exempt housing projects in downtowns and village centers with zoning from needing an Act 250 permit. It would remove the ability of 10 residents or property owners to appeal municipal zoning decisions. It would allow towns to register with Agency of Natural Resources (ANR) to issue authorizations for wastewater permits, in lieu of the ANR permit. It would not require mitigation of primary agricultural soils under Act 250 for an alternative or community wastewater system that will serve development within a designated area.

H.124 – Rural Economic Development Capacity - This bill proposes to provide additional funding and support to rural communities to ensure effective and equitable access to economic development resources. Amongst many other provisions, this bill would change the formula for RPC funding, and would prioritize communities that have not adopted a municipal plan or zoning bylaws for Municipal Planning Grant funding.

Online Resources

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