

Vermont Planners Association (VPA) Legislative Report – February 6, 2023

VPA continues to follow two of the Legislature's main issues – housing and energy. Planning bill introduction seems to have slowed somewhat moment as existing bills work through committees.

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.55 – Permanently Authorizing Electronic Meetings of Public Bodies – Additional and separate from the temporary extensions in H.42 (which was signed by the Governor on 1/25/23), this bill would permanently codify the pandemic practice of allowing public meetings without a designated physical location, provided public attendance is enabled electronically and by phone.

Updates on planning bills

S.5 – Affordable Heating Act (known as the Clean Heat Standard last session) – Senate Natural Resources and Energy continued testimony on this bill. One main friction point is the cost of implementing the program (with the Administration arguing that up-front costs to the average Vermonter is too high), along with concerns about grid reliability, especially in rural areas, if we transition to mostly electric heat. Fuel dealers are also concerned that costs and administrative responsibilities will fall on them, rather than their suppliers as intended by legislators.

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

Omnibus Housing Bill – Senate Economic Development, Housing, and General Affairs – Discussion of the omnibus housing bill (DR 23-0091) continued in this Senate committee. Once again, 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](#). Alex Weinhagen provided testimony on behalf of VPA on February 1. VPA supports the bulk of the bill, with some suggestions for minor edits and clarifications. We identified two provisions that need further work, and suggested that a stakeholder group or a commission work over the summer on these and other potentially more impactful areas of reform, to be part of a follow up housing bill in 2024. The two provisions relate to parking and density, and are in section 1 and 2 of the draft bill.

- **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.

This Senate committee is hearing a lot of testimony and a lot of support for the bill. 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.

NOTE – In section 2 of the latest draft of the bill (23-0091, draft 6.1, 1/27/23), the owner occupancy requirement for accessory dwelling units has been removed.

New bills introduced

H.126 – Community Resilience, Biodiversity Protection – This bill proposes to establish State goals of conserving 30 percent of the land of the State by 2030 and 50 percent by 2050.

H.128 – Act 250 wood products & accessory on-farm business – This bill proposes to reduce the amount of mitigation wood products manufacturers need to do for primary agricultural soils. It proposes to exempt small forest product processors from needing an Act 250 permit. It proposes to make changes to the definition of accessory on-farm business and exempt those businesses from needing an Act 250 permit. It would require electric generation facilities with a capacity greater than 500kW to get an Act 250 permit.

H.129 – Brownfields redevelopment funding – This bill proposes to increase the maximum amount of grant awards from the Brownfield Revitalization Fund. In addition, the bill proposes to require the Secretary of Commerce and Community Development to issue annual grants to regional planning commissions in the State to conduct characterization and assessment of potential Brownfield sites. The bill also would require the Secretary of Commerce and Community Development to report to the General Assembly regarding administration of the Brownfield Revitalization Fund and projects funded from the Fund.

H.132 – Homeless Bill of Rights – This bill proposes to establish a homeless bill of rights and prohibit discrimination against persons without homes. Among other provisions, adds “housing status” to the list of protected classes for public accommodations and housing.

H.135 – Rent Increase Limits – This bill proposes to cap the amount by which a landlord may annually increase rent by not more than the average of the Consumer Price Index over the prior 12-month period, or six percent above the most recent rent, unless the landlord can demonstrate that a greater increase is necessary due to additional costs for repairs or other exigent circumstances beyond normal maintenance or improvement. The bill also proposes to limit the amount of a security deposit to not more than one month’s rent, which may be applied as the final month’s rent if no damage is discovered at an inspection that occurs not more than one month prior to the termination of the tenancy.

H.137 – VHIP for disabled home share – This bill proposes to expand the Vermont Housing Improvement Program to include incentives for the costs of home share modifications to accommodate Vermonters with disabilities.

H.164 – Low-impact wastewater systems – This bill proposes to authorize the use of low-impact wastewater systems designed to manage and treat wastewater from plumbing fixtures supplied by hand-carried or hand-pumped water. The yurt bill! Think composting toilet, low volume gray water treatment system, hand carried water – all without having to design a “just in case”, traditional replacement septic system.

Online Resources

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