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**Sent:** Sunday, January 21, 2024 11:21 PM  
**To:** VPA@LIST.UVM.EDU  
**Subject:** VPA Legislative Summary - 1/21/24

VPA Members,

The VPA Legislative Committee met last week to discuss the plethora of planning-related bills introduced at the VT Statehouse. We plan to meet bi-weekly throughout much of the legislative session. It is an open committee, so you're invited to join us! Contact me if you'd like to be part of the legislative conversation.

As the second year of the legislative biennium, all bills not passed last year are still technically in play, and a large raft of new bills have been introduced since the session started on January 3. Addressing housing supply and flood response/resiliency are priorities for many legislators. Reform of the State's Act 250 review process and the State's designation program are both contemplated, in part thanks to a series of planning reports that many VPA members helped draft or contribute toward. You can find a brief description with links to the studies [online](#), in the January 5<sup>th</sup> weekly legislative report from the VT League of Cities and Towns (VLCT). See the "Housing Bill Takes Center Stage" item.

With that said, the housing and permit reform bills introduced to date vary widely. None of the broad permit reform bills neatly synthesize the recommendations from the aforementioned planning studies. The House, the Senate, and the Governor appear to be starting in very different places. House Energy & Environment is working on H.687, which is principally focused on expanding Act 250 jurisdiction and better protecting forest blocks, habitat connectors, and critical resource areas. Senate Economic Development, Housing and General Affairs is hoping to vote out their own comprehensive permit reform bill by early February. Dubbed the "Be HOME Act", the draft version is just getting going, and is currently focused on shortening the appeal process for new housing development. Meanwhile, the Governor came out in support of a host of permitting reforms captured in H.719, many of which are not tied to the summer study reports, and don't appear to have a place to land in legislation being discussed in the House.

**See below for a few of the most notable House bills that we are following.** We've flagged lots more House bills with a planning nexus – approximately 27 introduced in 2024 and 50 from 2023. We'll report on these if any get traction, but most won't. Next week, we will report on notable bills on the Senate side of the Statehouse. Looking for additional legislative reporting? Check out [VLCT's weekly legislative report](#) and [VT Digger's daily "final reading"](#) of statehouse happenings.

**H.652 – HOME Act revisions** – This bill would make a few significant changes to the municipal zoning limitations and pre-emptions passed in 2023 via Act 47 (HOME Act). One provision would require that municipal zoning allow for the creation of lots as small as 1/5 acre in areas served by municipal water and sewer, and that multi-unit structures with up to four dwellings require "... no additional land or lot area than would be required for a single-unit dwelling." Act 47 required that municipal zoning in water/sewer service areas allow for residential development density of at least five dwelling units per acre. It's unclear if the intent of H.652 is to move this up to 20 dwellings per acre for multi-unit development. The bill also proposes to change the time for decisions on appeals of a Zoning Administrator action. For such appeals, instead of 45 days from the close of the hearing, an appropriate municipal panel (e.g., DRB) would have only 60 days from the receipt of the appeal.

**H.683 – Designation Program** – This bill would follow through on the Designation Program report recommendations by simplifying the number of designations to two (commercial core and designated neighborhood), making those designations more automatic and consistent with planned growth areas mapped by Vermont’s regional planning commissions, and shifting the name and focus of the VT Downtown Development Board to review of RPC planned growth area mapping and the award of designation program benefits.

**H.687 – Act 250 Reform/Expansion** – As noted above, this bill would provide Act 250 exemptions to a limited number of planned growth areas that meet fairly stringent requirements. The focus of the bill is to expand Act 250 jurisdiction, by changing various triggers: 10+ lots/units reduced to 4+ lots/units in rural areas (most of the state); development more than 500 feet from a Town/State road; development within 25 feet of a critical resource area (e.g., river corridor, wetland, prime agricultural soil, 15%+ slopes). Act 250 criteria added for forest blocks and habitat connectors. Natural Resources Board changed to an Environmental Review Board, which would hear appeals of District Commission decisions – i.e., Act 250 appeals no longer heard by the E-court.

**H.719 – Housing & Permit Reform** – As noted above, this Governor-endorsed bill proposes a variety of permit reforms on both the municipal side and the State Act 250 side. A sampling of some odd ones: mandate that municipal regulations allow for parking spaces measuring 8’x16’; require that appropriate municipal panels (e.g., DRB) issue decisions within 60 days of receiving an application (instead of within 45 days after close of the hearing); mandate that municipalities disregard lot coverage maximums if lots for new housing are created through subdivision in areas served by municipal water and sewer. Check out the Administration’s related [PowerPoint presentation](#) for more details.

**H.768 – Act 250 Municipal Delegation** – This is a stand-alone bill to implement the recommendations of the Act 250 municipal delegation report prepared by VAPDA. It provides a process for well-resourced municipalities to eliminate Act 250 review by showing their local development review process is functionally equivalent.

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