

S.100 – An act relating to housing opportunities made for everyone

Office of Legislative Counsel

April 4, 2023

Section	Summary of S.100 as introduced w/ Senate Natural Resources amendment changes
	Municipal
Sec. 1 24 V.S.A. § 4414	Municipality can't require more than 1 parking space per dwelling unit or ADU. But may require 1.5 if existing other parking isn't sufficient.
Sec. 2 24 V.S.A. § 4412	<ul style="list-style-type: none">• Municipalities must allow duplexes where single family units are allowed. Municipalities must allow multiunit dwellings with up to 5 units in areas of the town served by sewer and water- as defined in this section.• Changes to accessory dwelling unit (ADU) requirements-; requires towns to subject ADUs to same standards of review as single-family homes; prohibits towns from making the criteria for detached ADUs stricter than for single family homes• Municipalities cannot not prohibit hotels renting to those with public housing assistance funds• In residential districts served by sewer and water, bylaws shall establish building and lot standards to allow 4 5 or more units per acre; no dimensional standard for multiunit dwellings can be more restrictive than those for single-family dwellings• In residential districts served by sewer and water, affordable housing may add an additional floor and use it to add additional units up to 40% of the density requirement• Bylaws cannot limit the square footage of duplexes that otherwise comply with the building code Municipalities may define some aspects of areas "served by municipal sewer and water infrastructure"
Sec. 3 24 V.S.A. § 4413	Limits regulation of emergency shelters (homeless shelter) in town zoning, including that bylaws cannot limit their daily and seasonal hours of operation.

Sec. 4 24 V.S.A. § 4303	Adds definitions for “accessory dwelling unit,” “duplex,” “emergency shelter,” and “multiunit or multifamily dwelling”
Sec. 5 24 V.S.A. § 4441	Requires that specific information be submitted to the Department of Housing and Community Development when municipalities adopt new zoning bylaws or update bylaws
Sec. 6 24 V.S.A. § 4465	Removes the ability of any 10 voters or property owners in a town to appeal a municipal zoning decision. SNRE changed to any 10 can appeal who have a “common injury to a particularized interest.” “Character of the area” cannot be used as an injury.
Secs. 7-8 24 V.S.A. § 4463 24 V.S.A. § 4418	Allows towns to give their administrative officer authority to approve subdivisions and decide if a hearing is required for subdivisions.
Sec. 9 24 V.S.A. § 4471	Clarifies existing law that the character of the area cannot be appealed in decisions on certain types of housing within a designated downtown, growth center or neighborhood development area. Other elements of the decision may be appealed.
Sec. 10 24 V.S.A. § 4464(b)	Establishes “by right zoning” which requires an appropriate municipal panel to provide reasons for adjusting dimensional requirements in permit decisions on housing.
Sec. 11 24 V.S.A. § 4348a	Adds detail to the required housing element in a regional plan. The regional plan shall include an estimate of the total housing investments needed and specific actions to address housing.
Sec. 12 24 V.S.A. § 4382	Requires the town plan be consistent with the goals of Chapter 117. Also requires the housing element of the municipal plan to include specific actions to address housing as identified in the regional plan.
Sec. 13 24 V.S.A. § 3101(a)	Municipal energy codes adopted after July 1, 2023 cannot be more restrictive than the RBES, stretch code, or CBES, except those enacted through charter amendments . A municipal energy may be stricter for large homes if the town receives approval from the Department of Public Service.
Sec. 14	Appropriates \$750,000 to the Municipal and Regional Planning Fund. **
Sec. 15	Appropriates \$300,000 to hire Housing Resource Navigators at the RPCs. **

	Act 250
Secs. 16- 17 10 V.S.A. § 6001 10 V.S.A. § 6081	<ul style="list-style-type: none"> • Raises the Act 250 jurisdictional threshold for housing units from 10 units to 25 everywhere. <ul style="list-style-type: none"> • SNRE Added new temporary trigger 25/5/5 for housing in a designated downtown, neighborhood development area, or growth center. Sunsets July 1, 2026. • [Chittenden amendment to go to 25 unit trigger in “10-acre” towns not taken up on floor – substituted with Ram Hinsdale amendment to study effect on affordability of going to 25.] • Removes the cap on the number of priority housing projects that make a project exempt from Act 250 <ul style="list-style-type: none"> • SNRE temporarily removed cap on Priority Housing Projects if located in a downtown, neighborhood development area, or growth center. Sunsets July 1, 2026 • Removes the ‘5 year, 5 mile’ rule for housing projects in designated areas and for subdivisions in neighborhood development areas • Amends the definition of priority housing projects to include projects located in designated village centers with permanent zoning and subdivision bylaws • Removes reference to the cap on the number of priority housing projects • No permit amendment is required for 24 units or fewer of housing <ul style="list-style-type: none"> • SNRE added that in order for someone to be exempt under the new temporary Act 250 exemptions, by July 1, 2026, they need to apply for a jurisdictional opinion which shall require that construction of exempt housing projects be substantially completed by June 30, 2029. • SNRE added new concept of Master Plans (available currently for industrial parks). Municipalities apply for master plan permits under Act 250 for their designated downtown. With a master plan, future development in the downtown would only need an Act 250 permit amendment, not an individual permit.
	Enhanced Designation
Secs. 18-21	<ul style="list-style-type: none"> • No Act 250 permit is needed for development or subdivisions in an enhanced designation area

<p>10 V.S.A. § 6081 24 V.S.A. § 2793f 10 V.S.A. § 6001</p>	<ul style="list-style-type: none"> • A town may apply to the Natural Resources Board to have a designated area become an enhanced designation area by meeting the requirements in the section, which include adopting bylaws to address all of the Act 250 criteria and having sufficient staff to administer land use permits • The NRB shall draft model bylaws that towns may adopt which address all of the Act 250 criteria. • SNRE Added new temporary enhanced village center designation if they have permanent zoning and subdivision bylaws, municipal sewer, alternative or community sewer, or water infrastructure, and adequate staff. Once achieved can build up to 50 units without triggering Act 250 until July 1, 2026.
	<p>Covenants</p>
<p>Sec. 22 27 V.S.A. § 545</p>	<p>Prohibits deed restrictions and covenants that require minimum dwelling unit size and more than one parking space.</p>
	<p>Road Disclosure</p>
<p>Sec. 23 27 V.S.A. § 617</p>	<p>Requires sellers to disclose if a property is located on a class 4 highway or legal trail.</p>
	<p>Wastewater Connection Permits</p>
<p>Secs. 24-25 10 V.S.A. § 1974 10 V.S.A. § 1983</p>	<p>Exempts wastewater projects from needing a State permit if the municipality can meet the criteria to issue an authorization for it. SNRE struck this section.</p>
	<p>ADU Jurisdiction</p>
<p>Sec. 26. 20 V.S.A. § 2730</p>	<p>Includes ADUs that are rented overnight or long term in the definition of public building for purposes of the fire and building safety codes.</p>
	<p>Fair Housing</p>

Sec. 27	Creates a new FT litigator position at Human rights Commission and appropriates funding for the position in FY 2024
Sec. 28. 9 V.S.A. § 4507	Increases criminal fine for a violation of Fair Housing and Public Accommodations Act from \$1,000 to \$10,000
	Building Safety Study
Sec. 29	Directs Division of Fire Safety to study potential revisions to the fire and life safety codes that could facilitate creation of new housing units.
	Housing Programs
	** Note: Senate Appropriations deleted all appropriation sections - 14, 15, 25a, 27, 30-39, 41, 42 – to be reconsidered in the budget.
Sec. 30	Appropriates \$2.5m GF to provide eviction rescue funding on behalf of tenants for rental arrears and prevent eviction for nonpayment of rent if such funding will preserve a tenancy.
Sec. 31	Appropriates \$200k GF to DHCD for funding to expand home-sharing opportunities throughout the State.
Sec. 32	Appropriates \$500k GF to DHCD to provide financial support for home repair, home improvement, housing transition, park infrastructure, legal assistance, and technical assistance and directs DHCD , with CVOEO, to report on needs, opportunities, and barriers for mobile homes.
Sec. 33	VHFA – modifies definition of “first-generation homebuyer” to mean a person whose parents have not owned a home, or have lost a home in foreclosure or similar legal process.
Secs. 38-39	Sec. 38 creates the Rental Housing Revolving Loan Program within VHFA to provide subsidized loans for rental housing developments that serve middle-income households. Sec. 39 appropriates \$20m GF to VHFA for the Program

Secs. 40-41	Sec. 40 amends the Vermont Rental Housing Improvement Program to expand the types of new units that may be created using Program grants or forgivable loans. Sec. 41 appropriates \$20m GF to DHCD for the Program
Sec. 42	Appropriates \$25m GF to VHCB to create new housing across a variety of types and sectors
Sec. 43	Charges the Auditor of Accounts to deliver a plan, cost estimate, and timetable for conducting a performance audit of the residential housing development and approval process
Sec. 44	Effective Dates

