

1 S.99

2 Introduced by Committee on Agriculture

3 Date:

4 Subject: Agriculture; economic development

5 Statement of purpose: This bill proposes to promote agricultural economic  
6 development by implementing recommendations of the Vermont sustainable  
7 jobs fund's farm-to-plate strategic plan and supporting policies.

~~An act relating to agricultural economic development~~ *An act relating to  
supporting mobile home ownership, strengthening mobile home parks, and  
preserving affordable housing.*

8 It is hereby enacted by the General Assembly of the State of Vermont:

9 ~~Sec. 1. 10 V.S.A. § 328 is amended to read:~~

10 ~~§ 328. CREATION OF THE SUSTAINABLE JOBS FUND PROGRAM~~

11 ~~\* \* \*~~

12 ~~(c)(1) Notwithstanding the provisions of subdivision 216(14) of this title,  
13 the authority may contribute not more than \$1,000,000.00 to the capital of the  
14 corporation formed under this section, and the board of directors of the  
15 corporation formed under this section shall consist of ~~three members of the~~  
16 ~~authority designated by the authority, the secretary of commerce and~~  
17 ~~community development, and seven members who are not officials or~~  
18 ~~employees of a governmental agency appointed by the governor, with the~~  
19 ~~advice and consent of the senate, for terms of five years, except that the~~~~

1 ~~governor shall stagger initial appointments so that the terms of no more than~~  
2 ~~two members expire during a calendar year:~~

3 (A) the secretary of commerce and community development or his or  
4 her designee;

5 (B) the secretary of agriculture, food and markets or his or her  
6 designee;

7 (C) the chief executive officer of the Vermont economic  
8 development authority or his or her designee; and

9 (D) eight independent directors, no more than one of whom shall be a  
10 state government employee or official, and who shall be selected as vacancies  
11 occur by vote of the existing directors from a list of names offered by a  
12 nominating committee of the board created for that purpose.

13 (2)(A) Each independent director shall serve a term of three years or  
14 until his or her earlier resignation.

15 (B) A director may be reappointed, but no independent director shall  
16 serve for more than three terms.

17 (3) A director of the board who is, or is appointed by, a state  
18 government official or employee shall not be eligible to hold the positions of  
19 chair, vice chair, secretary, or treasurer of the board.

20 \* \* \*

1 ~~Sec. 2. VSJF BOARD OF DIRECTORS; TRANSITION~~

2 Notwithstanding any other provision of law to the contrary, and  
3 notwithstanding any provision of the articles of incorporation or the bylaws of  
4 the corporation:

5 (1) The chair, vice chair, and secretary of the Vermont sustainable jobs  
6 fund board of directors as of January 1, 2011 shall constitute an initial  
7 nominating committee charged with appointing eight independent directors  
8 who shall take office on July 1, 2011.

9 (2) The initial nominating committee shall appoint each independent  
10 director to serve a term of one, two, or three years. Independent director terms  
11 shall be staggered so that the terms of no more than three members expire  
12 during a calendar year.

13 (3) The terms of the directors in office on the date of passage of this act  
14 shall expire on July 1, 2011.

15 Sec. 3. REPEAL

16 Secs. G18 and G19 of No. 146 of the Acts of the 2009 Adj. Sess. (2010) are  
17 repealed.

18 Sec. 4. Sec. G28 of No. 146 of the Acts of the 2009 Adj. Sess. (2010) is  
19 amended to read:

20 Sec. G28. EFFECTIVE DATES

21 Secs. G1 through G28 of this act (economic development) shall take effect  
22 upon passage, except that Secs. G18 and G19 (Vermont sustainable jobs

1 ~~(A) Secs. C18 and C19 (Vermont sustainable job fund program) shall~~  
2 ~~take effect upon the cessation of state funding to the program from the general~~  
3 ~~fund.~~

4 Sec. 5. 6 V.S.A. § 20 is amended to read:

5 § 20. VERMONT LARGE ANIMAL VETERINARIAN EDUCATIONAL  
6 LOAN REPAYMENT FUND

7 (a) There is created a special fund to be known as the Vermont large animal  
8 veterinarian educational loan repayment fund that shall be used for the purpose  
9 of ensuring a stable and adequate supply of large animal veterinarians  
10 ~~throughout in regions of the state as determined by the secretary.~~ The fund  
11 shall be established and held separate and apart from any other funds or monies  
12 of the state and shall be used and administered exclusively for the purpose of  
13 this section. The money in the fund shall be invested in the same manner as  
14 permitted for investment of funds belonging to the state or held in the treasury.

15 \* \* \*

16 Sec. 6. 6 V.S.A. chapter 207 is amended to read:

17 CHAPTER 207. ~~STATE AGENCIES AND STATE FUNDED~~  
18 ~~INSTITUTIONS TO PURCHASE VERMONT PRODUCTS PROMOTION~~  
19 AND MARKETING OF VERMONT FOODS AND PRODUCTS

20 \* \* \*

~~§ 4602. GOOD AGRICULTURAL PRACTICES GRANT PROGRAM~~

~~(a) A good agricultural practices grant program (GAP) is established in the agency of agriculture, food and markets for the purpose of providing grant funds to agricultural producers required to obtain GAP certification in order to sell their products in larger retail markets.~~

~~(b) The secretary may award grants for capital upgrades that will support Vermont agricultural producers in obtaining GAP certification. The amount of funds required by an applicant for a GAP certification grant shall be determined by the secretary.~~

Sec. 7. 6 V.S.A. § 3319 is added to read:

~~§ 3319. SKILLED MEAT CUTTER APPRENTICESHIP PROGRAM~~

~~(a) A skilled meat cutter apprenticeship program is established in the agency of agriculture, food and markets for the purpose of issuing a competitively awarded grant to develop and administer either an apprenticeship or certificate program, or both, for the occupation of skilled meat cutter.~~

~~(b) The secretary shall make a single grant to the successful applicant for the creation and operation of an employment-based learning program with classroom and on-the-job training components.~~

1 ~~Sec. 8. 6 V.S.A. § 4724 is added to chapter 211 to read:~~

2 § 4724. LOCAL FOODS COORDINATOR

3 (a) The position of local food coordinator is established in the agency of  
4 agriculture, food and markets for the purpose of assisting Vermont producers  
5 in increasing their access to commercial markets and institutions, including  
6 schools, state and municipal governments, and hospitals.

7 (b) The local foods coordinator shall administer a local foods grant  
8 program, the purpose of which shall be to provide grants to allow Vermont  
9 producers to increase their access to commercial and institutional markets.

10 Sec. 9. FOOD PROCESSING AND PRODUCTION INVENTORY

11 (a) The agency of agriculture, food and markets shall prepare, or oversee  
12 the preparation by a third party contractor of, an inventory of existing  
13 processing facilities and shall recommend where additional processing  
14 facilities and related infrastructure may be best located within the state,  
15 specifically accounting for anticipated trends in food production and supply.

16 (b) The agency of agriculture, food and markets shall submit the inventory  
17 and recommendations pursuant to this section to the house and senate  
18 committees on agriculture on or before March 1, 2012.

19 Sec. 10. FARM-TO-PLATE INVESTMENT PROGRAM

20 IMPLEMENTATION

21 (a)(1) The agency of agriculture, food and markets shall coordinate with  
22 the Vermont sustainable jobs fund program established under 10 V.S.A. § 328,

1 ~~stakeholders, and other interested parties, including the agriculture~~  
2 development board, to implement actions necessary to fulfill the goals of the  
3 farm-to-plate investment program as established under 10 V.S.A. § 330.

4 (2) The actions shall be guided by, but not limited to, the strategies  
5 outlined in the farm-to-plate strategic plan.

6 (3) The agency shall develop and maintain a report of the actions  
7 undertaken to achieve the goals of the farm-to-plate investment program and  
8 the farm-to-plate strategic plan.

9 (b) The secretary of agriculture, food and markets may contract with a third  
10 party to assist the agency with implementation of the program, to track those  
11 activities over time, and to develop a report on the progress of the program.

12 Sec. 11. 6 V.S.A. § 4601 is amended to read:

13 § 4601. VERMONT PRODUCTS

14 (a) ~~When purchasing agricultural products, Of the total agricultural~~  
15 products purchased each year by the secretary of administration, the secretary  
16 of buildings and general services, and any state-funded institutions ~~shall, other~~  
17 considerations being equal, purchase products grown, not less than five percent  
18 shall be locally grown products or products produced in Vermont when  
19 available and when they meet quality standards established by the secretary of  
20 agriculture, food and markets that contain at least 50 percent local ingredients.

1 ~~(b) The requirements of subsection (a) of this section may be waived when~~  
2 ~~compliance would not be feasible given the quality standards established by~~  
3 ~~the secretary of agriculture, food and markets.~~

4 Sec. 12. 10 V.S.A. § 544 is added to read:

5 § 544. VERMONT INTERNSHIP PROGRAM

6 (a)(1) The department of labor shall develop and implement a statewide  
7 Vermont internship program for Vermonters who are in high school or in  
8 college and for those who are recent graduates of 18 months or less.

9 (2) The program shall serve as a single portal for coordinating and  
10 providing funding to public and private entities for internship programs that  
11 match Vermont employers with students from public and private secondary  
12 schools, regional technical centers, the Community High School of Vermont,  
13 and colleges.

14 (3) Funding awarded through the Vermont internship program may be  
15 used to administer an internship program and to provide students with a  
16 stipend during the internship, based on need. Funds may be made only to  
17 programs or projects that do all the following:

18 (A) do not replace or supplant existing positions;

19 (B) create real workplace expectations and consequences;

20 (C) provide a process that measures progress toward mastery of  
21 skills, attitude, behavior, and sense of responsibility required for success in that  
22 workplace;



1 ~~(D) are designed to motivate and educate secondary and~~  
2 ~~postsecondary students through work-based learning opportunities with~~  
3 ~~Vermont employers that are likely to lead to real employment;~~

4 ~~(E) include mechanisms that promote employer involvement with~~  
5 ~~secondary and postsecondary students and curriculum and the delivery of~~  
6 ~~education at the participating schools;~~

7 ~~(F) involve Vermont employers or interns who are Vermont~~  
8 ~~residents; and~~

9 ~~(G) offer students a continuum of learning, experience, and~~  
10 ~~relationships with employers that will make it financially possible and~~  
11 ~~attractive for graduates to continue to work and live in Vermont.~~

12 ~~(4) For the purposes of this section, "internship" means a learning~~  
13 ~~experience working with an employer where the intern may, but does not~~  
14 ~~necessarily, receive academic credit, financial remuneration, a stipend, or any~~  
15 ~~combination of these.~~

16 ~~(b) The department of labor, in collaboration with the agency of~~  
17 ~~agriculture, food and markets, the department of education and state-funded~~  
18 ~~postsecondary educational institutions, the workforce development council,~~  
19 ~~and other state agencies and departments that have workforce development and~~  
20 ~~training monies, shall:~~

21 ~~(1) identify new and existing funding sources that may be allocated to~~  
22 ~~the Vermont internship program;~~

1 ~~(2) collect data and establish program goals and quantifiable~~  
2 performance measures for internship programs funded through the Vermont  
3 internship program;

4 (3) develop or enhance a website that will connect students and  
5 graduates with internship opportunities with Vermont employers;

6 (4) engage appropriate agencies and departments of the state in the  
7 internship program to expand internship opportunities with state government  
8 and with entities awarded state contracts; and

9 (5) work with other public and private entities to develop and enhance  
10 internship programs, opportunities, and activities throughout the state.

11 Sec. 13. IMPLEMENTATION OF THE VERMONT INTERNSHIP  
12 PROGRAM; WORKERS' COMPENSATION

13 (a) The state shall make available workers' compensation coverage to an  
14 intern participating in the Vermont internship program if coverage is required  
15 by federal or state law and the participant would not otherwise be covered by  
16 an employer's workers' compensation policy.

17 (b) The state shall be considered a single entity solely for purposes of  
18 purchasing a single workers' compensation insurance policy providing  
19 coverage to intern participants.

20 (c) This subsection is intended strictly to permit the state to provide  
21 workers' compensation coverage, and the state shall not be considered the  
22 employer of an intern participant for any other purpose.

1 ~~Sec. 14. 10 V.S.A. § 543(f) is amended to read:~~

2 (f) Awards. Based on guidelines set by the council, the commissioners of  
3 labor and of education shall jointly make awards to the following:

4 \* \* \*

5 (2) Vermont Internship Program. ~~Public and private entities for~~  
6 ~~internship programs that match Vermont employers with students from public~~  
7 ~~and private secondary schools, regional technical centers, the Community High~~  
8 ~~School of Vermont, and colleges. For the purposes of this section, "internship"~~  
9 ~~means a learning experience working with an employer where the intern may,~~  
10 ~~but does not necessarily receive academic credit, financial remuneration, a~~  
11 ~~stipend, or any combination of these. Awards under this subdivision may be~~  
12 ~~used to fund the cost of administering an internship program and to provide~~  
13 ~~students with a stipend during the internship, based on need. Awards may be~~  
14 ~~made only to programs or projects that do all the following:~~

15 (A) ~~do not replace or supplant existing positions;~~

16 (B) ~~create real workplace expectations and consequences;~~

17 (C) ~~provide a process that measures progress toward mastery of~~  
18 ~~skills, attitude, behavior, and sense of responsibility required for success in that~~  
19 ~~workplace;~~

20 (D) ~~are designed to motivate and educate secondary and~~  
21 ~~postsecondary students through work-based learning opportunities with~~  
22 ~~Vermont employers that are likely to lead to real employment;~~

1 ~~(E) include mechanisms that promote employer involvement with~~  
2 ~~secondary and postsecondary students and curriculum and the delivery of~~  
3 ~~education at the participating schools;~~  
4 ~~(F) involve Vermont employers or interns who are Vermont~~  
5 ~~residents; and~~  
6 ~~(G) offer students a continuum of learning, experience, and~~  
7 ~~relationships with employers that will make it financially possible and~~  
8 ~~attractive for graduates to continue to work and live in Vermont. Funding for~~  
9 ~~eligible internship programs and activities under the Vermont internship~~  
10 ~~program established in section 544 of this section.~~

11 \* \* \*

12 Sec. 15. 6 V.S.A. chapter 213 is added to read:

13 CHAPTER 213. WEB-TO-FARM PROGRAM

14 § 4751. DEFINITIONS

15 As used in this chapter:

- 16 (1) "Administrator" means the person awarded a performance contract  
17 by the commissioner to administer the web-to-farm program.
- 18 (2) "Agritourism" means any activity carried out on a farm, ranch, dairy,  
19 or vineyard that allows members of the general public, for recreational,  
20 entertainment, or educational purposes, to view, participate, or enjoy rural or  
21 agricultural activities, including farming, ranching, and milk production and  
22 processing and historical, cultural, or natural activities and attractions.

1 ~~(3) "Commissioner" means the commissioner of the department of~~  
2 ~~labor.~~

3 ~~(4) "First-in-time priority" means a preference given to businesses in~~  
4 ~~Vermont's agriculture, agritourism, tourism, or culinary sectors that request a~~  
5 ~~web-to-farm intern before other similarly situated businesses.~~

6 ~~(5) "Intern" means an individual who is enrolled or has recently~~  
7 ~~completed a commissioner-approved certificate or degree program related to~~  
8 ~~computer science or information technology from a Vermont postsecondary~~  
9 ~~institution and has accepted an offer from the administrator to participate in the~~  
10 ~~web-to-farm program in exchange for payment. An intern's official title shall~~  
11 ~~be "web-to-farm consultant."~~

12 ~~(6) "Partner business" means a Vermont agriculture, agritourism,~~  
13 ~~tourism, or culinary business or a nonprofit agritourism service provider that is~~  
14 ~~paired with an information technology intern through the web-to-farm~~  
15 ~~program.~~

16 ~~(7) "Postsecondary institution" means an academic, vocational,~~  
17 ~~technical, business, professional, or other school, college, or university~~  
18 ~~offering education primarily to persons who have completed or terminated~~  
19 ~~their secondary education or who are beyond the age of compulsory high~~  
20 ~~school attendance and who seek to attain educational, professional, or~~  
21 ~~vocational objectives.~~

1 ~~(8) "Stipend" means a fixed payment or payments allocated to offset~~  
2 ~~living expenses.~~

3 § 4752 WEB-TO-FARM INTERNSHIP PROGRAM

4 (a) There is hereby created the web-to-farm internship program for the dual  
5 purposes of improving the information technology capabilities of Vermont's  
6 agriculture-related businesses and of fostering professional opportunities for  
7 recipients of a computer science or information technology-related degree or  
8 certificate from a Vermont postsecondary institution.

9 (b) Students in their final year of computer science or information  
10 technology-related study at a Vermont postsecondary institution and  
11 individuals who received a degree or certificate related to computer science or  
12 information technology from a Vermont postsecondary institution within the  
13 last year are eligible to apply for a web-to-farm internship.

14 (c) Interns shall complete one year of information technology-related  
15 service with one or several Vermont businesses engaged in agriculture,  
16 agritourism, tourism, or culinary arts or organizations providing services to  
17 agritourism businesses for the purpose of using their computer and information  
18 technology expertise to enhance the economic opportunities of partner  
19 businesses and create sustainable electronic resources for partner businesses.

~~§ 4753. ADMINISTRATION OF THE WEB-TO-FARM INTERNSHIP~~

~~PROGRAM; FUNDING~~

~~(a) The commissioner shall issue a request for proposals for a program administrator and shall negotiate and award a performance contract to a qualified person to administer the web-to-farm program.~~

~~(b) The administrator shall:~~

~~(1) create all necessary internship application forms and a list of required supporting documentation;~~

~~(2) create a web page that provides information about the web-to-farm program, including eligibility requirements for interns and businesses, contact information, and application processes;~~

~~(3) review all intern applications and require submission of additional documents deemed necessary;~~

~~(4) select applicants that best conform to the criteria set forth in section 4754 of this title;~~

~~(5) establish procedures by which interns shall receive a stipend;~~

~~(6) maintain web-to-farm participant records;~~

~~(7) provide information about the program to Vermont postsecondary institutions; and~~

~~(8) report annually on or before January 15 to the house and senate committees on agriculture and on education regarding:~~

~~(A) current levels in the information technology education fund;~~

1 ~~(B) the number of applications received in the prior fiscal year;~~

2 (C) the number of participating businesses in the prior fiscal year;

3 (D) the amount of funds awarded in the prior fiscal year;

4 (E) the total funds that could potentially be distributed in the current  
5 and next fiscal years; and

6 (F) a summary of intern and business satisfaction with the  
7 web-to-farm program.

8 (c) The web-to-farm program shall be funded through one or more of the  
9 following:

10 (1) sums appropriated or transferred to it by the general assembly;

11 (2) sums transferred from the Vermont internship program established in  
12 10 V.S.A. § 544;

13 (3) sums from any other public or private source accepted for the benefit  
14 of the program;

15 (4) enrollment fees not to exceed \$100.00 to be paid by agriculture,  
16 agritourism, tourism, or culinary businesses and nonprofit service provider  
17 organizations participating in the web-to-farm program; and

18 (5) any payment made by the administrator pursuant to the performance  
19 contract awarded by the commissioner.

20 § 4754. INTERN SELECTION; INCENTIVES

21 (a)(1) Up to 20 interns may be selected by the administrator to participate  
22 in the web-to-farm program each year, as funding allows.



1 ~~(2) Not more than four interns per year shall be matched with nonprofit~~  
2 ~~agritourism service providers.~~

3 ~~(b) Intern selection shall be based on the following criteria:~~

4 ~~(1) the applicant is a student in the final year of study or a recent~~  
5 ~~graduate of a commissioner-approved certificate or degree program related to~~  
6 ~~computer science or information technology from a Vermont postsecondary~~  
7 ~~institution at the time the application is submitted or prior to commencing the~~  
8 ~~internship;~~

9 ~~(2) academic performance and competence;~~

10 ~~(3) interest in maintaining Vermont residency;~~

11 ~~(4) interpersonal communication skills; and~~

12 ~~(5) any other criteria established by the administrator.~~

13 ~~(c)(1) Interns shall receive an annual stipend from the administrator not to~~  
14 ~~exceed \$15,000.00, which may be supplemented by independently acquired~~  
15 ~~grants. Stipend payments shall be distributed quarterly.~~

16 ~~(2) An intern who fails to complete the one-year service requirement~~  
17 ~~shall return all stipend payments and benefits received under the web-to-farm~~  
18 ~~program to the administrator within 60 days of terminating participation in the~~  
19 ~~program.~~

20 ~~§ 4755. AGRITOURISM ASSISTANCE; PARTICIPATING BUSINESSES~~

21 ~~(a) A business engaged in agriculture, agritourism, tourism, or culinary arts~~  
22 ~~or a nonprofit agritourism service provider shall be eligible to participate in the~~

1 ~~web-to-farm program provided that it is located in Vermont, has a principal~~  
2 ~~place of business in Vermont, or is incorporated under Vermont law pursuant~~  
3 ~~to Title 11A.~~

4 ~~(b)(1) A business which is eligible and interested in participating in the~~  
5 ~~web-to-farm program shall submit its name to the administrator along with a~~  
6 ~~brief statement describing the objectives it seeks to achieve through~~  
7 ~~participation in the program.~~

8 ~~(2) The administrator shall maintain a list of eligible and interested~~  
9 ~~businesses in consultation with the Vermont agriculture and culinary tourism~~  
10 ~~council and shall partner businesses with web-to-farm interns. Pairings shall~~  
11 ~~be based on intern availability and expertise. Preference shall be given to:~~

12 ~~(A) businesses in rural locations;~~

13 ~~(B) businesses with ten or fewer employees; and~~

14 ~~(C) businesses with first-in-time priority.~~

15 ~~(c) Businesses selected pursuant to this section shall submit an enrollment~~  
16 ~~fee not to exceed \$100.00 prior to the commencement of intern services.~~

17 Sec. 16. UNIFIED REPORTING

18 ~~On or before January 15, 2012, the agency of agriculture, food and markets~~  
19 ~~shall submit to the house and senate committees on agriculture in a single~~  
20 ~~written performance report:~~

21 ~~(1) the specific outcomes intended for each program or policy change of~~  
22 ~~this act;~~

1 ~~(2) the performance of each program or policy change following~~  
2 ~~passage of this act; and~~

3 ~~(3) recommendations for future actions in light of performance relative~~  
4 ~~to the intended outcomes.~~

5 Sec. 17. APPROPRIATIONS

6 ~~(a) The general assembly shall appropriate the following amounts to the~~  
7 ~~agency of agriculture, food and markets to implement the provisions of this act~~  
8 ~~as follows:~~

9 ~~(1) For the Vermont large animal veterinarian educational loan~~  
10 ~~repayment fund in Sec. 5 of this act, \$50,000.00 transferred from the~~  
11 ~~department of labor to the agency of agriculture, food and markets.~~

12 ~~(2) For the good agricultural practices (GAP) program in Sec. 6 of this~~  
13 ~~act, \$200,000.00 in capital funds in each year of the two-year capital bill to~~  
14 ~~make competitive matching grants for capital upgrades necessary to achieve or~~  
15 ~~maintain GAP certification.~~

16 ~~(3) For the skilled meat cutter apprenticeship program in Sec. 7 of this~~  
17 ~~act, \$25,000.00 from the general fund.~~

18 ~~(4) For the local foods coordinator and the local foods grant program in~~  
19 ~~Sec. 8 of this act, \$125,000.00 from the general fund, not more than~~  
20 ~~\$75,000.00 of which shall be used for the total annual compensation of the~~  
21 ~~coordinator, and not less than \$50,000.00 of which shall be used for the~~

1 ~~performance of the local foods coordinator's duties under this act and for~~  
2 ~~competitive matching grants from the agency to Vermont producers.~~

3 ~~(5) For the food processing and production inventory in Sec. 9 of this~~  
4 ~~act, \$30,000.00 from the general fund.~~

5 ~~(6) For the farm-to-plate investment program implementation in Sec. 10~~  
6 ~~of this act, \$100,000.00 from the general fund.~~

7 ~~(7) For the Vermont internship program in Sec. 12 of this act:~~

8 ~~(A) Program costs in fiscal year 2012 shall be funded through a~~  
9 ~~transfer of \$350,000.00 from the Next Generation initiative fund established in~~  
10 ~~16 V.S.A. § 2887.~~

11 ~~(B) Funding in subsequent years shall be recommended by the~~  
12 ~~department of labor, in collaboration with the agency of agriculture, food and~~  
13 ~~markets, the department of education and state-funded postsecondary~~  
14 ~~educational institutions, the workforce development council, and other state~~  
15 ~~agencies and departments that have workforce development and training~~  
16 ~~monies.~~

17 ~~(b) The general assembly shall appropriate from the general fund the~~  
18 ~~following amounts for the purposes indicated:~~

19 ~~(1) \$75,000.00 to the agency of agriculture, food and markets for~~  
20 ~~competitive matching grants for the farm-to-school program established in~~  
21 ~~6 V.S.A. § 4721.~~

1 ~~(2) \$100,000.00 to the agency of agriculture, food and markets for~~  
2 ~~competitive matching grants to increase slaughterhouse and meat processing~~  
3 ~~facility capacity.~~

4 (3) \$25,000.00 to the agency of agriculture, food and markets for travel  
5 funds for agency personnel to participate in the legislative process for the  
6 federal farm bill.

7 (4) \$18,900.00 to the department for children and families to sustain and  
8 expand wireless electronic bank transfer (EBT) access at Vermont farmers'  
9 markets.

10 Sec. 18. EFFECTIVE DATE

11 ~~This act shall take effect on passage.~~

~~Sec. 1. FINDINGS AND PURPOSE~~

~~The general assembly finds:~~

~~(1) The damage resulting throughout Vermont from both the 2011~~  
~~spring flooding and from Tropical Storm Irene had a devastating impact in~~  
~~many areas on mobile homes and mobile home parks.~~

~~(2) Given that mobile homes represent one of few available affordable~~  
~~housing options in the state, these storms caused significant hardship for many~~  
~~lower and middle income Vermonters whose homes were damaged or~~  
~~destroyed.~~

~~(3) Although the local, state, and federal housing and disaster relief~~  
~~officials have worked cooperatively throughout the recovery, questions on~~  
~~authority to issue condemnation letters to homeowners who could then apply~~  
~~for FEMA assistance may have cost some homeowners the opportunity for~~  
~~significant federal reimbursement for their destroyed homes.~~

~~(4) Given the economic costs endured by mobile home owners, it is~~  
~~appropriate at this time to exempt the purchase of mobile homes from sales~~  
~~and use tax, local option sales tax, and property transfer tax when such homes~~  
~~are purchased to replace homes destroyed by recent flooding and natural~~  
~~disasters.~~

~~(5) During the course of exploring the issues surrounding the impacts of these disasters, it is apparent that mobile home owners and mobile home park owners face unique economic pressures, and more assistance should be focused to facilitate the availability and ownership of modern, safe, mobile homes and the availability of suitable lots, and to facilitate the sale of parks to residents or nonprofit entities in order to preserve affordability and availability of housing.~~

~~(6) It is the purpose of this act to focus state, municipal, and private resources on assisting mobile home owners recovering from the storms, and on ensuring that in the long term, Vermonters have an adequate supply of safe, affordable housing.~~

~~Sec. 2. 10 V.S.A. chapter 153 is amended to read:~~

~~CHAPTER 153. MOBILE HOME PARKS~~

~~§ 6201. DEFINITIONS~~

~~As used in this chapter, unless the context requires otherwise:~~

~~(1) "Mobile home" means:~~

~~(A) a structure or type of manufactured home, including the plumbing, heating, air-conditioning, and electrical systems contained in the structure, that is:~~

~~(i) built on a permanent chassis and is;~~

~~(ii) designed to be used as a dwelling with or without a permanent foundation, includes plumbing, heating, cooling, and electrical systems, and is: when connected to the required utilities;~~

~~(A)(iii) transportable in one or more sections; and~~

~~(B)(iv)(I) at least eight feet wide or 40 feet long, or when erected has at least 320 square feet; or~~

~~(II) if the structure was constructed prior to June 15, 1976, at least eight feet wide or 32 feet long; or~~

~~(C)(B) any structure that meets all the requirements of this subdivision (I) except for the size requirements, and for which the manufacturer voluntarily files a certification required by the U.S. Department of Housing and Urban Development and complies with the construction and safety standards established under Title 42 of the U.S. Code.~~

~~\*\*\*~~

~~(4) "Commission" means the advisory commission on manufactured homes, established under section 6202 of this title. [Repealed.]~~

\* \* \*

(8) ~~“Department” means the department of housing and community affairs~~ department of economic, housing and community development.

(9) ~~“Good faith” means honesty in fact and the observance of reasonable standards and fair dealing, such that each party shall respond promptly and fairly to offers from the other party.~~

(10) ~~[Expired.]~~ “Lot rent” means a charge assessed on a mobile home park resident for the occupancy of a mobile home lot, but does not include charges permitted under section 6238 of this title.

(11) ~~“Commissioner” means the commissioner of housing and community affairs~~ economic, housing and community development.

\* \* \*

§ 6231. RULES

(a) ~~[Deleted.]~~

(b) ~~The department may adopt rules to carry out the provisions of sections 6236-6243 of this title~~ chapter.

(c) ~~A mobile home park that has been closed pursuant to section 6237a of this title and reduced to no more than two occupied leased lots, shall be required, if the number of occupied leased lots subsequently is increased to more than two, to obtain all state land use and environmental permits required for a mobile home park that has been established or expanded after May 31, 1970.~~

§ 6236. LEASE TERMS; MOBILE HOME PARKS

\* \* \*

(e) ~~All mobile home lot leases shall contain the following:~~

\* \* \*

(3) ~~Notice that the park owner shall not discriminate for reasons of race, religious creed, color, sex, sexual orientation, gender identity, marital status, handicap disability, or national origin, or because a person is a recipient of public assistance.~~

(4) ~~Notice that the park owner shall not discriminate based on age or the presence of one or more minor children in the household, except as permitted under 9 V.S.A. § 4503(b) and (c). If age restrictions exist in all or part of a park, the specific restrictions and geographic sections in which restrictions apply shall be documented in the lease.~~

\* \* \*

~~§ 6237. EVICTIONS~~

~~(a) A leaseholder may be evicted only for nonpayment of rent or for a substantial violation of the lease terms of the mobile home park, or if there is a change in use of the park land or parts thereof or a termination of the mobile home park, and only in accordance with the following procedure:~~

~~\* \* \*~~

~~(4) A substantial violation of the lease terms, other than an uncured nonpayment of rent, will be insufficient to support a judgment of eviction unless the proceeding is commenced within 60 days of the last alleged violation. A substantial violation of the lease terms based upon criminal activity will be insufficient to support a judgment of eviction unless the proceeding is commenced no later than 60 days after arraignment.~~

~~\* \* \*~~

~~§ 6237a. MOBILE HOME PARK CLOSURES~~

~~\* \* \*~~

~~(b) Prior to issuing a closure notice pursuant to subsection (a) of this section, a park owner shall first ~~notify all mobile home owners of the park owner's~~ issue a notice of intent to sell in accordance with section 6242 of this title that discloses the potential closure of the park. However, if the park owner sends a notice of closure to the residents and leaseholders without first providing the mobile home owners with a ~~notice of sale~~ intent to sell under section 6242 that discloses the potential closure of the park, then the park owner must retain ownership of the land for five years after the date the closure notice was provided. If required, the park owner shall record the notice of the five-year restriction in the land records of the municipality in which the park is located. The park owner may apply to the commissioner for relief from the notice and holding requirements of this subsection if the commissioner determines that strict compliance is likely to cause undue hardship to the park owner or the leaseholders, or both. This relief shall not be unreasonably withheld.~~

~~\* \* \*~~

~~(d) A park owner who gives notice of intent to sell pursuant to section 6242 of this title shall not give notice of closure until after:~~

~~(1) At least 45 days after giving notice of intent to sell.~~

~~(2) If applicable, the commissioner receives notice from the mobile home owners and the park owner that negotiations have ended following the ~~90-day~~ 120-day negotiation period provided in subdivision 6242(c)(1) of this title.~~



\* \* \*

~~§ 6242. MOBILE HOME OWNERS' RIGHT TO NOTIFICATION PRIOR TO  
PARK SALE~~

~~(a) Content of notice. A park owner shall give to each mobile home owner and to the commissioner of the department of economic, housing and community affairs development notice by certified mail of his or her intention to sell the mobile home park. Nothing herein shall be construed to restrict the price at which the park owner offers the park for sale. The notice shall state all the following:~~

~~(1) That the park owner intends to sell the park.~~

~~(2) The price, terms, and conditions under which the park owner offers the park for sale.~~

~~(3) A list of the affected mobile home owners and the number of leaseholds held by each.~~

~~(4) The status of compliance with applicable statutes, regulations and permits, to the park owner's best knowledge, and the reasons for any noncompliance.~~

~~(5) That for 45 days following the notice the park owner shall not make a final unconditional acceptance of an offer to purchase the park and that if within the 45 days the park owner receives notice pursuant to subsection (c) of this section that a majority of the mobile home owners intend to consider purchase of the park, the park owner shall not make a final unconditional acceptance of an offer to purchase the park for an additional ~~90~~ 120 days, starting from the 46th day following notice, except one from a group representing a majority of the mobile home owners or from a nonprofit corporation approved by a majority of the mobile home owners.~~

~~(b) Resident intent to negotiate; timetable. The mobile home owners shall have 45 days following notice under subsection (a) of this section in which to determine whether they intend to consider purchase of the park through a group representing a majority of the mobile home owners or a nonprofit corporation approved by a majority of the mobile home owners. A majority of the mobile home owners shall be determined by one vote per leasehold and no mobile home owner shall have more than three votes or 30 percent of the aggregate park vote, whichever is less. During this 45-day period, the park owner shall not accept a final unconditional offer to purchase the park.~~

~~(c) Response to notice; required action. If the park owner receives no notice from the mobile home owners during the 45-day period or if the mobile home owners notify the park owner that they do not intend to consider purchase of the park, the park owner has no further restrictions regarding sale.~~

~~of the park pursuant to this section. If during the 45 day period, the park owner receives notice in writing that a majority of the mobile home owners intend to consider purchase of the park then the park owner shall do all the following:~~

~~(1) Not accept a final unconditional offer to purchase from a party other than leaseholders for ~~90~~ 120 days following the 45-day period, a total of ~~135~~ 165 days following the notice from the leaseholders.~~

~~(2) Negotiate in good faith with the group representing a majority of the mobile home owners or a nonprofit corporation approved by a majority of the mobile home owners concerning purchase of the park.~~

~~(3) Consider any offer to purchase from a group representing a majority of the mobile home owners or from a nonprofit corporation approved by a majority of the mobile home owners.~~

~~\* \* \*~~

~~(f) Relief from additional notice requirement. ~~No additional notice pursuant to subsection (a) of this section shall be required if the sale is in compliance with either of the following~~ A notice of intent to sell issued pursuant to subsection (a) of this section shall be valid for a period of one year from the expiration of the 45-day period following the date of the notice, and a new notice shall not be required under subsection (a) if:~~

~~(1) The park owner completes a sale of the park within one year from the expiration of the 45-day period following the date of the notice and the sale price is either of the following:~~

~~(A) ~~No less than~~ more than five percent below the price for which the park was offered for sale pursuant to subsection (a) of this section.~~

~~(B) ~~Substantially higher than~~ More than five percent above the final written offer from a group representing a majority of the mobile home owners or a nonprofit corporation approved by a majority of the mobile home owners.~~

~~(2) The park owner has not completed a sale of the park but has entered into a binding purchase and sale agreement with a group representing a majority of the mobile home owners or a nonprofit corporation approved by a majority of the mobile home owners ~~with a closing date later than one year from~~ within one year from the expiration of the 45-day period following the date of the notice.~~

~~\* \* \*~~

§ 6245. ILLEGAL EVICTIONS

~~(a) No park owner may wilfully willfully cause, directly or indirectly, the interruption or termination of any utility service to a mobile home except for temporary interruptions for necessary repairs.~~

~~(b) No park owner may directly or indirectly deny a leaseholder access to and possession of ~~a mobile home~~ the leaseholder's leased premises, except through proper judicial process.~~

~~(c) No park owner may directly or indirectly deny a leaseholder access to and possession of the leaseholder's ~~rented or leased~~ mobile home and personal property, except through proper judicial process.~~

~~\*\*\*~~

~~§ 6251. MOBILE HOME LOT RENT INCREASE; NOTICE; MEETING~~

~~(a) A mobile home park owner shall provide written notification on a form provided by the department to the commissioner and all the affected mobile home park leaseholders of any lot rent increase no later than 60 days before the effective date of the proposed increase. The notice shall include all the following:~~

~~(1) The amount of the proposed lot rent increase, including any amount of the increase that is attributable to a surcharge for any capital improvements of the mobile home park pursuant to subsection (b) of this section, the estimated cost, ~~which includes interest~~, of the capital improvements, and the proposed duration of the surcharge prorated in 12-month increments sufficient to recover the estimated cost of the capital improvements.~~

~~(2) The effective date of the increase.~~

~~(3) A copy of the mobile home park leaseholder's rights pursuant to this section and sections 6252 and 6253 of this title.~~

~~(4) ~~{Deleted.}~~ The percentage of increase from the current base lot rent.~~

~~\*\*\*~~

~~§ 6254. REGISTRATION OF MOBILE HOME PARKS; REPORT~~

~~(a) No later than September 1 each year, each park owner shall register with the department on a form provided by the department. The form shall include the following information:~~

~~\*\*\*~~

~~(8) The lot rent to be charged for each lot as ~~of the preceding~~ scheduled for October 1 of that year, and the effective date of that lot rent charge.~~

~~\*\*\*~~

~~\*\*\* DEHCD Study and Planning \*\*\*~~

~~Sec. 3. DEHCD STUDIES; LONG-RANGE PLANNING FOR THE VIABILITY AND DISASTER RESILIENCY OF MOBILE HOME OWNERSHIP AND PARKS~~

~~(a) The department of economic, housing and community development shall, in collaboration with other organizations and interested stakeholders, develop a plan for the future viability and disaster resiliency of mobile home ownership and parks.~~

~~(b) The plan shall:~~

~~(1) With input from the agency of natural resources, identify parks vulnerable to natural hazards such as flooding and develop a strategy for improving their safety and resiliency through education, emergency planning, mitigation measures, reconfiguration, and relocation.~~

~~(2) Identify barriers to mobile home ownership including the availability of financing and mortgage insurance and recommend methods for the state to assist, including coordinating with USDA Rural Development to extend its pilot program under the section 502 direct loan and guarantee loan programs and working with public, private, and nonprofit entities to develop solutions.~~

~~(3) Address the potential loss of mobile home parks and affordability due to sale, closure, or natural disaster by recommending actions to encourage resident or nonprofit purchase and ownership and the creation of new mobile home parks or lots through technical assistance and planning guidance to municipalities and developers.~~

~~(4) Assess other housing designs as alternatives to mobile homes that are affordable when all related costs, such as siting, water and sewer, and energy use are taken into consideration.~~

~~Sec. 3. LEGISLATIVE INTENT; AFFORDABLE HOUSING TAX CREDIT~~

~~It is the intent of the general assembly to increase the amount per year that may be awarded under 32 V.S.A. § 5930u(g) for the purposes of the mobile home financing program for owner-occupied mobile homes or alternative affordable structures. Accordingly, it is the intent of the general assembly that in House Bill 782 (2012) entitled "An act relating to miscellaneous tax changes for 2012," the award amount available for owner-occupied mobile homes or alternative affordable structures shall be increased from \$100,000.00 to \$300,000.00, and the total amount in any fiscal year of total first-year allocations plus succeeding-year deemed allocations shall be increased from \$2,500,000.00 to \$3,500,000.00.~~

~~Sec. 5. LEGISLATIVE INTENT; AFFORDABLE HOUSING TAX CREDIT~~

~~It is the intent of the general assembly to increase the amount per year that may be awarded under 32 V.S.A. § 5930u(g) for the purposes of the mobile home financing program for owner-occupied mobile homes or alternative affordable structures. Accordingly, it is the intent of the general assembly that in House Bill 782 (2012) entitled "An act relating to miscellaneous tax changes for 2012," the award amount available for owner-occupied mobile homes or alternative affordable structures shall be increased from \$100,000.00 to \$300,000.00, and the total amount in any fiscal year of total first-year allocations plus succeeding-year deemed allocations shall be increased from \$2,500,000.00 to \$3,500,000.00.~~

~~\*\*\* DEHCD Study and Planning \*\*\*~~

~~Sec. ~~3~~ 4. DEHCD STUDIES; LONG-RANGE PLANNING FOR THE VIABILITY AND DISASTER RESILIENCY OF MOBILE HOME OWNERSHIP AND PARKS~~

~~(a) The department of economic, housing and community development shall, in collaboration with other organizations and interested stakeholders, and as funding from FEMA and other sources allows develop a plan for the future viability and disaster resiliency of mobile home ownership and parks.~~

~~(b) The plan shall:~~

~~(1) With input from the agency of natural resources, identify parks vulnerable to natural hazards such as flooding and develop a strategy for improving their safety and resiliency through education, emergency planning, mitigation measures, reconfiguration, and relocation.~~

~~(2) Identify barriers to mobile home ownership including the availability of financing and mortgage insurance and recommend methods for the state to assist, including coordinating with USDA Rural Development to extend its pilot program under the section 502 direct loan and guarantee loan programs and working with public, private, and nonprofit entities to develop solutions.~~

~~(3) Address the potential loss of mobile home parks and affordability due to sale, closure, or natural disaster by recommending actions to encourage resident or nonprofit purchase and ownership and the creation of new mobile home parks or lots through technical assistance and planning guidance to municipalities and developers.~~

~~(4) Assess other housing designs as alternatives to mobile homes that are affordable when all related costs, such as siting, water and sewer, and energy use are taken into consideration.~~

~~(4) Working in collaboration with the Vermont housing and conservation board and any additional public or private funding entities, assess other housing designs as alternatives to mobile homes that are~~

~~affordable when all related costs such as siting, water and sewer, and energy use are taken into consideration.~~

~~Sec. 45. 20 V.S.A. § 2731(k) is added to read:~~

~~(k) Building codes. Pursuant to his or her authority under this section, the commissioner of public safety shall:~~

~~(1) Develop and maintain on the department website a graphic chart or grid depicting categories of construction, including new construction, major rehabilitation, change of use, and additions, and the respective building codes that apply to each category.~~

~~(2) Whenever practicable and appropriate, offer the opportunity to construction and design professionals to participate in division of fire safety staff training.~~

~~(3) Update building codes on three-year cycles, consistent with codes developed by code-writing authorities, to keep pace with technology, products, and design.~~

~~(4) Create a publicly accessible database of decisions that are decided on appeal to the commissioner.~~

~~(5) Apply the International Building Code (IBC) to new construction.~~

~~Sec. 56. 9 V.S.A. § 4503 is amended to read:~~

~~§ 4503. UNFAIR HOUSING PRACTICES~~

~~(a) It shall be unlawful for any person:~~

~~\*\*\*~~

~~(12) To discriminate in land use decisions or in the permitting of housing because of race, sex, sexual orientation, gender identity, age, marital status, religious creed, color, national origin, disability, the presence of one or more minor children, income, or except as otherwise provided by law.~~

~~\*\*\*~~

~~Sec. 67. 24 V.S.A. § 4412 is amended to read:~~

~~§ 4412. REQUIRED PROVISIONS AND PROHIBITED EFFECTS~~

~~Notwithstanding any existing bylaw, the following land development provisions shall apply in every municipality:~~

~~(1) Equal treatment of housing and required provisions for affordable housing.~~

~~(A) No bylaw nor its application by an appropriate municipal panel under this chapter shall have the effect of excluding housing that meets the~~

~~needs of the population as determined in the housing element of its municipal plan as required under subdivision 4382(a)(10) of this title or the effect of discriminating in the permitting of housing as specified in 9 V.S.A. § 4503.~~

~~\*\*\*~~

~~\*\*\* Allocation of Rental Housing Subsidies by State Entities (VSHA) \*\*\*~~

~~Sec. **8**. ADMINISTRATION OF RENTAL HOUSING SUBSIDIES;  
FINDINGS AND PURPOSE~~

~~The general assembly finds:~~

~~(1) Administration of rental housing subsidies in Vermont, including federal housing funds, is a public and essential governmental function to be focused primarily on assuring safe and decent housing for low and moderate income persons without undue regard for the generation of profit or surplus.~~

~~(2) In recent years, private entities, including nominally private entities controlled by public jurisdictions from other states, have sought contracts to administer allocations of federal rental subsidies throughout the United States.~~

~~(3) To the maximum extent permitted by applicable law, it is the purpose of Sec. 10 of this act to limit the administrative control of federal rental subsidies to state of Vermont public bodies.~~

~~Sec. **9**. 24 V.S.A. § 4005(e) is added to read:~~

~~(e) Notwithstanding any provision of law, no person, domestic or foreign, shall be authorized to administer allocations of money under 42 U.S.C.A. § 1437a or 1437f or other federal statute authorizing rental subsidies for the benefit of persons of low or moderate income, except:~~

~~(1) a subcontractor of the state authority; or~~

~~(2) a state public body authorized by law to administer such allocations.~~

~~\*\*\* Expedited Removal of Mobile Home by Municipality \*\*\*~~

~~Sec. **10**. 9 V.S.A. § 2608 is added to read:~~

~~§ 2608. MUNICIPAL ACTION FOR SALE OF ABANDONED MOBILE HOME~~

~~(a) In the alternative to the process for foreclosure of a tax lien on a mobile home pursuant to 32 V.S.A. chapter 133, a municipality shall have the authority to commence an action to sell at public auction an abandoned mobile home located within the municipality pursuant to this section.~~

~~(b) A municipality shall file a verified complaint in the civil division of the superior court for the county in which the municipality is located, which shall~~



~~be entitled "In re: Abandoned Mobile Home of [name of owner]," and shall include the following information:~~

- ~~(1) The physical location and address of the mobile home.~~
  - ~~(2) The name and last known mailing address of the owner of the mobile home.~~
  - ~~(3) A description of the mobile home, including make, model, and serial number, if available.~~
  - ~~(4) The names and addresses of creditors, holders of housing subsidy covenants, or others having an interest in the mobile home based on liens or notices of record in the municipality offices or the office of the secretary of state.~~
  - ~~(5) The facts supporting the claim that the mobile home has been abandoned.~~
  - ~~(6) The name of a person disinterested in the mobile home or of a municipality employee who will be responsible for the sale of the mobile home at a public auction.~~
  - ~~(7) A statement of the amount of taxes, fees, and other charges due or which will become due to the municipality.~~
  - ~~(8) If the mobile home is located on leased land, the name and address of the landowner.~~
- ~~(c) A municipality may request an order approving transfer of a mobile home which is unfit for human habitation to the municipality without a public sale by filing a verified complaint containing the information required in subsection (a) of this section and the facts supporting the claim that the mobile home is unfit for human habitation.~~
- ~~(d) When a verified complaint is filed under this section, the clerk of the civil division of the superior court shall set a hearing to be held at least 15 days but no later than 30 days after the filing of the complaint.~~
- ~~(e) Within five days after filing the verified complaint, the municipality shall post a copy of the verified complaint and order for hearing on the mobile home and send a copy of the verified complaint and order for hearing by certified mail, return receipt requested, to the mobile home owner's last known mailing address, to the landowner if the mobile home is located on leased land, and to all lien-holders of record.~~
- ~~(f) The municipality shall publish the verified complaint and order for hearing in a newspaper of general circulation in the municipality where the mobile home is located. The notice shall be published no later than five calendar days before the date of hearing.~~



~~(g) If prior to or at the hearing any lien holder certifies to the court that the lien-holder has paid to the municipality all taxes, charges, and fees due the municipality and will commence or has commenced proceedings to enforce the lien and will continue to pay municipal taxes, charges, and fees during the proceedings under this section, the court shall, upon confirmation of the representations of the lien-holder, stay the action under this section pending completion of the lien-holder's action.~~

~~(h) At the hearing, the municipality shall prove ownership of the mobile home; abandonment of the mobile home; the amount of taxes, fees, and other charges due the municipality; and the amount of attorney fees claimed. The municipality shall also prove compliance with the notice requirements of subsections (e) and (f) of this section. Whether a mobile home is abandoned shall be a question of fact determined by the court.~~

~~(i) If the court finds that the municipality has complied with subsection (h) of this section, the court shall enter an order approving the sale of the mobile home at a public auction to be held within 15 days of the date of the order. The municipality shall send the order by first-class mail to the mobile home owner, to the landowner if the mobile home is located on leased land, and to all lien-holders of record. The order shall require all the following:~~

~~(1) That the sale shall be conducted by the person identified in the verified complaint or some other person approved by the court.~~

~~(2) That notice of the sale shall be published in a newspaper of general circulation in the municipality where the mobile home is located and sent by first-class mail to the mobile home owner, to the landowner if the mobile home is located on leased land, and to all lien-holders of record. The notice of sale shall be published two times, at least five days apart with the second publication being no later than three calendar days before the date of sale.~~

~~(3) That the terms of sale provide for conveyance of the mobile home by real estate deed or by uniform mobile home bill of sale, as appropriate under this chapter, executed on behalf of the mobile home owner pursuant to the order of the court by the person authorized by the court, in "as is" condition, and free and clear of all liens and other encumbrances of record.~~

~~(4) A minimum bid established by the court sufficient to cover the total costs listed in subdivisions (7)(A)-(D) of this subsection. The mobile home shall be sold to the highest bidder over the minimum bid set by the court; provided, however, that if no bid meets or exceeds the minimum bid set by the court, the court shall order transfer of the mobile home to the municipality upon payment of costs due to the person who conducted the sale.~~

~~(5) The successful bidder, if other than the municipality:~~

~~(A) shall make full payment at the auction if the bid does not exceed \$2,000.00; or~~

~~(B) if the bid exceeds \$2,000.00, shall provide a nonrefundable deposit at the time of the auction of at least \$2,000.00 or 25 percent of the bid, whichever is greater, and shall make full payment within three working days after the auction.~~

~~(6) A successful bidder, if other than the municipality, shall remove the mobile home from its current location within five working days after the auction unless the municipality permits the mobile home to remain on the site or permits removal of the mobile home at a later date. If the mobile home is located on leased land, the mobile home shall be removed within five days unless the landowner grants permission to the successful bidder, including the municipality, for the mobile home to remain on the leased land.~~

~~(7) The person who conducted the public sale shall report to the court the results of the sale, the proposed distribution of the proceeds of the sale, and the bank in which any excess proceeds are deposited and shall send a copy of the report to the mobile home owner, the municipality, the landowner if the mobile home is located on leased land, and all lien-holders of record by certified mail, return receipt requested, within three working days after the sale. Anyone claiming impropriety in the conduct of the sale may file an objection with the court within seven days after the sale. The filing of an objection shall not invalidate the sale or delay transfer of ownership of the abandoned mobile home. If an objection is filed and if the court finds impropriety in the conduct of the sale, the court may order distribution of the proceeds of the sale as is fair, taking into account the impropriety. If no objection is filed with the court, on the eighth day after the sale, the proceeds shall be distributed as follows:~~

~~(A) To the person conducting the sale for costs of the sale.~~

~~(B) To the municipality for court costs, publication and mailing costs, and attorney fees incurred in connection with the action in an amount approved by the court.~~

~~(C) To the municipality for taxes, penalties, and interest owed in an amount approved by the court.~~

~~(D) To the landowner for unpaid lot rent if the mobile home is located on leased land.~~

~~(E) The balance to a bank account in the name of the mobile home municipality as trustee, for the benefit of the mobile home owner and lien-holders of record, to be distributed pursuant to further order of the court.~~

~~(j) Notwithstanding provisions of this section and 10 V.S.A. § 6249 (sale of abandoned mobile home by park owner) to the contrary, if an action is commenced by a municipality pursuant to this section and by a mobile home park owner pursuant to 10 V.S.A. § 6249 for the sale of the same abandoned mobile home within 30 days of one another, the court shall consolidate the cases and shall distribute the proceeds of a sale as follows:~~

~~(1) To the person conducting the sale for costs of the sale.~~

~~(2) To the municipality and the park owner equitably in the discretion of the court:~~

~~(A) for court costs, publication and mailing costs, and attorney fees incurred in connection with the action in an amount approved by the court;~~

~~(B) for taxes, penalties, and interest owed the municipality in an amount approved by the court; and~~

~~(C) for rent and other charges owed to the park owner in an amount approved by the court.~~

~~(3) The balance to a bank account in the name of the mobile home municipality as trustee for the benefit of the mobile home owner and lien-holders of record, to be distributed pursuant to further order of the court.~~

~~(k) If a municipality requests an order approving transfer of a mobile home to the municipality without a public sale, the court shall approve that order if it finds that the municipality has complied with subsection (h) of this section and has proved that the mobile home is unfit for human habitation. In determining whether a mobile home is unfit for human habitation, the court shall consider whether the mobile home:~~

~~(1) contains functioning appliances and plumbing fixtures;~~

~~(2) contains safe and functioning electrical fixtures and wiring;~~

~~(3) contains a safe and functioning heating system;~~

~~(4) contains a weather-tight exterior closure;~~

~~(5) is structurally sound;~~

~~(6) is reasonably free of trash, debris, filth, and pests.~~

~~Sec. ~~10~~ 11. 9 V.S.A. § 4462 is amended to read:~~

~~§ 4462. ABANDONMENT; UNCLAIMED PROPERTY~~

~~\* \* \*~~

~~(d) Any personal property remaining in the dwelling unit or leased premises after the tenant has vacated may be disposed of by the landlord~~

~~without notice or liability to the tenant or owner of the personal property, provided that one of the following has occurred:~~

~~(1) The tenant provided actual notice to the landlord that the tenant has vacated the dwelling unit ~~or~~, leased premises, or mobile home lot.~~

~~(2) The tenant has vacated the dwelling unit ~~or~~, leased premises, or mobile home lot at the end of the rental agreement.~~

~~(3) Fifteen days have expired following service of a writ of possession pursuant to 10 V.S.A. chapter 153, 11 V.S.A. chapter ~~13~~ 14, or 12 V.S.A. chapter 169.~~

~~Sec. ~~11~~ 12. PRIORITIES FOR MOBILE HOME INVESTMENTS~~

~~In the event that sources of funding are available for investments in securing mobile home infrastructure, expanding affordable ownership opportunities, and other activities consistent with the goals and purposes of this act, it is the intent of the general assembly to invest in the following priorities:~~

~~(1) Investment in the department of economic, housing and community development:~~

~~(A) for one or more grants to the Champlain Valley Office of Economic Opportunity to increase its ability to provide start-up and ongoing technical assistance to mobile home park residents interested in cooperative ownership of their parks.~~

~~(B) to increase department staff for long-range planning for the preservation and replacement of mobile home parks noticed for sale or closure or damaged by flooding.~~

~~(2) Investment in the Vermont housing and conservation board's project feasibility fund to conduct financial feasibility and infrastructure needs analyses of mobile home parks noticed for sale or closure or damaged by flooding.~~

~~(3) Investment in the department of economic, housing and community development to develop and implement with the Champlain Housing Trust, the Central Vermont Community Land Trust, Gilman Housing Trust, NeighborWorks of Western Vermont, Windham & Windsor Housing Trust, and other stakeholders a program to help finance the purchase, repair, refinance, and replacement of up to 100 individual mobile homes. The general assembly further recommends that the department coordinate with the Champlain Housing Trust and other stakeholders to secure additional grant capital to help fund the program from a variety of public and private sources.~~

~~(4) Investment in the department of economic, housing and community development to fund the following activities related to mobile home parks that will be maintained as affordable housing for low-income Vermonters on a perpetual basis:~~

~~(A) the purchase of mobile home parks, including purchase by resident-owned cooperatives;~~

~~(B) infrastructure improvements; and~~

~~(C) disaster recovery, including relocation or replacement of mobile home parks damaged by flooding.~~

~~Sec. 12-13. AUTHORITY TO ISSUE LETTER OF CONDEMNATION~~

~~(a) Because repairs to homes damaged in natural disasters must be done in accordance with local codes and ordinances, the Federal Emergency Management Agency (FEMA) recognizes that there may be reasons for a local authority to deem a home condemned.~~

~~(b) According to FEMA policy, the letter must come from the jurisdictional authority and the condemnation notice of demolition must be disaster-related. FEMA then reviews each notice on a case-by-case basis for approval of replacement assistance up to the maximum award.~~

~~(c) Accordingly, for purposes of complying with FEMA policies and procedures, any state or local person or entity empowered to condemn property by statute, rule, regulation, ordinance, or similar legal authority shall qualify as a jurisdictional authority with all the necessary rights and powers to declare property to be condemned, provide notice of condemnation and demolition to FEMA or any other entity, and take such other steps as are necessary to ensure Vermonters are eligible for receiving the maximum amount of state and federal recovery assistance otherwise available.~~

~~Sec. 13-14. LEGISLATIVE INTENT; SALES AND USE TAX HOLIDAYS FOR MOBILE HOMES~~

~~It is the intent of the general assembly to provide tax relief from the sales and use tax, the local option sales tax, and the property transfer tax for a mobile home purchased to replace a mobile home that was damaged or destroyed as a result of damage incurred during the spring flooding or during Tropical Storm Irene in 2011. Accordingly, it is the intent of the general assembly that in House Bill 782 (2012) entitled "An act relating to miscellaneous tax changes for 2012," there shall be included a provision authorizing relief from the sales and use tax, the local option sales tax, and the property transfer tax for eligible mobile homes purchased during a qualifying period to replace homes that suffered flood and storm damage, authorizing reimbursement for eligible taxes paid for mobile homes purchased during the~~

~~qualifying period, and authorizing the department of taxes to adopt standards and procedures necessary to achieve the goals of this section.~~

~~Sec. 15. DELAY OF LOAN REPAYMENTS DUE TO TROPICAL STORM IRENE~~

~~Due to the damage caused by Tropical Storm Irene at the Tri-Parks mobile home parks, the substantial amount of monies necessary for repairs, and the unavailability of additional monies to both make the repairs and make loan payments, the repayment start dates for State Revolving Loans RF1-104 and RF3-163 are hereby delayed by two years until June 1, 2014, without any penalty or additional costs or fees. Subject to any applicable limitations of federal law, the secretary of natural resources shall have the authority to offer similar repayment modifications to other mobile home parks that suffered damage from Tropical Storm Irene.~~

~~Sec. ~~13~~ 16. EFFECTIVE DATE~~

~~This act shall take effect on passage, except that Sec. ~~15~~ 13 (authority to issue letter of condemnation) of this act shall apply retroactively to January 1, 2011.~~

Sec. 1. FINDINGS AND PURPOSE

The general assembly finds:

(1) The damage resulting throughout Vermont from both the 2011 spring flooding and from Tropical Storm Irene had a devastating impact in many areas on mobile homes and mobile home parks.

(2) Given that mobile homes represent one of few available affordable housing options in the state, these storms caused significant hardship for many lower and middle income Vermonters whose homes were damaged or destroyed.

(3) Given the economic costs endured by mobile home owners, it is appropriate at this time to consider increasing the affordable housing tax credit and exempting the purchase of mobile homes from sales and use tax, local option sales tax, and property transfer tax when such homes are purchased to replace homes destroyed by recent flooding and natural disasters.

(4) During the course of exploring the issues surrounding the impacts of these disasters, it is apparent that mobile home owners and mobile home park owners face unique economic pressures, and more assistance should be focused to facilitate the availability and ownership of modern, safe, mobile homes and the availability of suitable lots, and to facilitate the sale of parks to residents or nonprofit entities in order to preserve affordability and availability of housing.

(5) It is the purpose of this act to focus state, municipal, and private resources on assisting mobile home owners recovering from the storms, and on ensuring that in the long term, Vermonters have an adequate supply of safe, affordable housing.

Sec. 2. 10 V.S.A. chapter 153 is amended to read:

CHAPTER 153. MOBILE HOME PARKS

§ 6201. DEFINITIONS

As used in this chapter, unless the context requires otherwise:

(1) "Mobile home" means:

(A) a structure or type of manufactured home, including the plumbing, heating, air-conditioning, and electrical systems contained in the structure, that is:

(i) built on a permanent chassis ~~and is;~~

(ii) designed to be used as a dwelling with or without a permanent foundation, ~~includes plumbing, heating, cooling, and electrical systems, and is: when connected to the required utilities;~~

~~(A)~~(iii) transportable in one or more sections; and

~~(B)~~(iv)(I) at least eight feet wide ~~or~~ 40 feet long, or when erected has at least 320 square feet; or

(II) if the structure was constructed prior to June 15, 1976, at least eight feet wide or 32 feet long; or

~~(C)~~(B) any structure that meets all the requirements of this subdivision (I) except ~~for~~ the size requirements, and for which the manufacturer voluntarily files a certification required by the U.S. Department of Housing and Urban Development and complies with the construction and safety standards established under Title 42 of the U.S. Code.

\* \* \*

~~(4) "Commission" means the advisory commission on manufactured homes, established under section 6202 of this title. [Repealed.]~~

\* \* \*

~~(8) "Department" means the department of housing and community affairs~~ department of economic, housing and community development.

(9) "Good faith" means honesty in fact and the observance of reasonable standards and fair dealing, such that each party shall respond promptly and fairly to offers from the other party.



(10) ~~Expired.~~ “Lot rent” means a charge assessed on a mobile home park resident for the occupancy of a mobile home lot, but does not include charges permitted under section 6238 of this title.

(11) “Commissioner” means the commissioner of housing and community affairs economic, housing and community development.

\* \* \*

§ 6231. RULES

(a) ~~[Deleted.]~~

(b) ~~The department may adopt rules to carry out the provisions of sections 6236-6243 of this title chapter.~~

(c) ~~A mobile home park that has been closed pursuant to section 6237a of this title and reduced to no more than two occupied leased lots, shall be required, if the number of occupied leased lots subsequently is increased to more than two, to obtain all state land use and environmental permits required for a mobile home park that has been established or expanded after May 31, 1970.~~

§ 6236. LEASE TERMS; MOBILE HOME PARKS

\* \* \*

(e) ~~All mobile home lot leases shall contain the following:~~

\* \* \*

(3) ~~Notice that the park owner shall not discriminate for reasons of race, religious creed, color, sex, sexual orientation, gender identity, marital status, handicap disability, or national origin, or because a person is a recipient of public assistance.~~

(4) ~~Notice that the park owner shall not discriminate based on age or the presence of one or more minor children in the household, except as permitted under 9 V.S.A. § 4503(b) and (c). If age restrictions exist in all or part of a park, the specific restrictions and geographic sections in which restrictions apply shall be documented in the lease.~~

\* \* \*

§ 6237. EVICTIONS

(a) ~~A leaseholder may be evicted only for nonpayment of rent or for a substantial violation of the lease terms of the mobile home park, or if there is a change in use of the park land or parts thereof or a termination of the mobile home park, and only in accordance with the following procedure:~~

\* \* \*



*(4) A substantial violation of the lease terms, other than an uncured nonpayment of rent, will be insufficient to support a judgment of eviction unless the proceeding is commenced within 60 days of the last alleged violation. A substantial violation of the lease terms based upon criminal activity will be insufficient to support a judgment of eviction unless the proceeding is commenced no later than 60 days after arraignment.*

\* \* \*

*§ 6237a. MOBILE HOME PARK CLOSURES*

\* \* \*

*(b) Prior to issuing a closure notice pursuant to subsection (a) of this section, a park owner shall first ~~notify all mobile home owners of the park owner's~~ issue a notice of intent to sell in accordance with section 6242 of this title that discloses the potential closure of the park. However, if the park owner sends a notice of closure to the residents and leaseholders without first providing the mobile home owners with a notice of ~~sale~~ intent to sell under section 6242 that discloses the potential closure of the park, then the park owner must retain ownership of the land for five years after the date the closure notice was provided. If required, the park owner shall record the notice of the five-year restriction in the land records of the municipality in which the park is located. The park owner may apply to the commissioner for relief from the notice and holding requirements of this subsection if the commissioner determines that strict compliance is likely to cause undue hardship to the park owner or the leaseholders, or both. This relief shall not be unreasonably withheld.*

\* \* \*

*(d) A park owner who gives notice of intent to sell pursuant to section 6242 of this title shall not give notice of closure until after:*

*(1) At least 45 days after giving notice of intent to sell.*

*(2) If applicable, the commissioner receives notice from the mobile home owners and the park owner that negotiations have ended following the ~~90-day~~ 120-day negotiation period provided in subdivision 6242(c)(1) of this title.*

\* \* \*

*§ 6242. MOBILE HOME OWNERS' RIGHT TO NOTIFICATION PRIOR TO PARK SALE*

*(a) Content of notice. A park owner shall give to each mobile home owner and to the commissioner of the department of economic, housing and community ~~affairs~~ development notice by certified mail, return receipt*

requested, of his or her intention to sell the mobile home park. If the notice is refused by a mobile home owner or is otherwise undeliverable, the park owner shall send the notice by first class mail to the mobile home owner's last known mailing address. Nothing herein shall be construed to restrict the price at which the park owner offers the park for sale. The notice shall state all the following:

(1) That the park owner intends to sell the park.

(2) The price, terms, and conditions under which the park owner offers the park for sale.

(3) A list of the affected mobile home owners and the number of leaseholds held by each.

(4) The status of compliance with applicable statutes, regulations and permits, to the park owner's best knowledge, and the reasons for any noncompliance.

(5) That for 45 days following the notice the park owner shall not make a final unconditional acceptance of an offer to purchase the park and that if within the 45 days the park owner receives notice pursuant to subsection (c) of this section that a majority of the mobile home owners intend to consider purchase of the park, the park owner shall not make a final unconditional acceptance of an offer to purchase the park for an additional ~~90~~ 120 days, starting from the 46th day following notice, except one from a group representing a majority of the mobile home owners or from a nonprofit corporation approved by a majority of the mobile home owners.

(b) Resident intent to negotiate; timetable. The mobile home owners shall have 45 days following notice under subsection (a) of this section in which to determine whether they intend to consider purchase of the park through a group representing a majority of the mobile home owners or a nonprofit corporation approved by a majority of the mobile home owners. A majority of the mobile home owners shall be determined by one vote per leasehold and no mobile home owner shall have more than three votes or 30 percent of the aggregate park vote, whichever is less. During this 45-day period, the park owner shall not accept a final unconditional offer to purchase the park.

(c) Response to notice; required action. If the park owner receives no notice from the mobile home owners during the 45-day period or if the mobile home owners notify the park owner that they do not intend to consider purchase of the park, the park owner has no further restrictions regarding sale of the park pursuant to this section. If during the 45-day period, the park owner receives notice in writing that a majority of the mobile home owners intend to consider purchase of the park then the park owner shall do all the following:

~~(1) Not accept a final unconditional offer to purchase from a party other than leaseholders for 90 120 days following the 45-day period, a total of 135 165 days following the notice from the leaseholders.~~

~~(2) Negotiate in good faith with the group representing a majority of the mobile home owners or a nonprofit corporation approved by a majority of the mobile home owners concerning purchase of the park.~~

~~(3) Consider any offer to purchase from a group representing a majority of the mobile home owners or from a nonprofit corporation approved by a majority of the mobile home owners.~~

\* \* \*

~~(f) No additional notice pursuant to subsection (a) of this section shall be required if the sale is in compliance with either of the following:~~

~~(1) The park owner completes a sale of the park within one year from the expiration of the 45 day period following the date of the notice and the sale price is either of the following:~~

~~(A) No less than the price for which the park was offered for sale pursuant to subsection (a) of this section.~~

~~(B) Substantially higher than the final written offer from a group representing a majority of the mobile home owners or a nonprofit corporation approved by a majority of the mobile home owners.~~

~~(2) The park owner has entered into a binding purchase and sale agreement with a group representing a majority of the mobile home owners or a nonprofit corporation approved by a majority of the mobile home owners with a closing date later than one year from the date of the notice. Requirement for new notice of intent to sell.~~

~~(1) Subject to subdivision (2) of this subsection, a notice of intent to sell issued pursuant to subsection (a) of this section shall be valid:~~

~~(A) for a period of one year from the expiration of the 45-day period following the date of the notice; or~~

~~(B) if the park owner has entered into a binding purchase and sale agreement with a group representing a majority of the mobile home owners or a nonprofit corporation approved by a majority of the mobile home owners within one year from the expiration of the 45-day period following the date of the notice until the completion of the sale of the park under the agreement or the expiration of the agreement, whichever is sooner.~~

~~(2) During the period in which a notice of intent to sell is valid, a park owner shall provide a new notice of intent to sell, consistent with the requirements of subsection (a) of this section, prior to making an offer to sell~~

the park or accepting an offer to purchase the park that is either more than five percent below the price for which the park was initially offered for sale or less than five percent above the final written offer from a group representing a majority of the mobile home owners or a nonprofit corporation approved by a majority of the mobile home owners.

\* \* \*

§ 6245. ILLEGAL EVICTIONS

(a) No park owner may ~~wilfully~~ willfully cause, directly or indirectly, the interruption or termination of any utility service to a mobile home except for temporary interruptions for necessary repairs.

(b) No park owner may directly or indirectly deny a leaseholder access to and possession of ~~a mobile home~~ the leaseholder's leased premises, except through proper judicial process.

(c) No park owner may directly or indirectly deny a leaseholder access to and possession of the leaseholder's ~~rented or leased~~ mobile home and personal property, except through proper judicial process.

\* \* \*

§ 6251. MOBILE HOME LOT RENT INCREASE; NOTICE; MEETING

(a) A mobile home park owner shall provide written notification on a form provided by the department to the commissioner and all the affected mobile home park leaseholders of any lot rent increase no later than 60 days before the effective date of the proposed increase. The notice shall include all the following:

(1) The amount of the proposed lot rent increase, including any amount of the increase that is attributable to a surcharge for any capital improvements of the mobile home park pursuant to subsection (b) of this section, the estimated cost, ~~which includes interest,~~ of the capital improvements, and the proposed duration of the surcharge prorated in 12-month increments sufficient to recover the estimated cost of the capital improvements.

(2) The effective date of the increase.

(3) A copy of the mobile home park leaseholder's rights pursuant to this section and sections 6252 and 6253 of this title.

(4) ~~{Deleted.}~~ The percentage of increase from the current base lot rent.

\* \* \*

§ 6254. REGISTRATION OF MOBILE HOME PARKS; REPORT

(a) No later than September 1 each year, each park owner shall register with the department on a form provided by the department. The form shall include the following information:

\* \* \*

(8) The lot rent to be charged for each lot as ~~of the preceding~~ scheduled for October 1 of that year, and the effective date of that lot rent charge.

\* \* \*

*Sec. 2a. LEGISLATIVE INTENT; AFFORDABLE HOUSING TAX CREDIT*

It is the intent of the general assembly to increase the amount per year that may be awarded under 32 V.S.A. § 5930u(g) for the purposes of the mobile home financing program for owner-occupied mobile homes or alternative affordable structures. Accordingly, it is the intent of the general assembly that in House Bill 782 (2012) entitled "An act relating to miscellaneous tax changes for 2012," the award amount available for owner-occupied mobile homes or alternative affordable structures shall be increased from \$100,000.00 to \$300,000.00 and the total amount in any fiscal year of total first-year allocations plus succeeding-year deemed allocations shall be increased from \$2,500,000.00 to \$3,500,000.00.

*Sec. 3. 10 V.S.A. § 6249 is amended to read:*

*§ 6249. SALE OF ABANDONED MOBILE HOME*

\* \* \*

(c) When a verified complaint is filed under this section, the clerk of the superior court shall set a hearing on the complaint before a superior judge. The hearing shall be held at least ~~30~~ 15 days but no later than ~~45~~ 30 days after the filing of the complaint.

(d) Within ~~10~~ five days after filing the verified complaint, the park owner shall post a copy of the verified complaint and order for hearing on the mobile home and send a copy of the verified complaint and order for hearing, by certified mail, return receipt requested, to the mobile home owner's last known mailing address; to the last resident of the mobile home at the resident's last known mailing address; to each person identified in the verified complaint; and to the town clerk of the town in which the mobile home is located.

(e) The park owner shall publish the verified complaint and order for hearing in a newspaper of general circulation in the town where the mobile home is located. The notice shall be published ~~twice, at least ten days apart, with the second notice to be published~~ no later than five calendar days before the date of hearing.

\* \* \*

*(h) If the court finds that the park owner has complied with subsection (g) of this section, the court shall enter an order approving the sale of the mobile home at a public auction to be held within ~~30~~ 15 days of the date of the order. The mobile home park owner shall send the order by first class mail to the mobile home owner and all lien holders of record. The order shall require all the following:*

*(1) That the sale shall be conducted by the person identified in the verified complaint or some other person approved by the court.*

*(2) That notice of the sale be published in a newspaper of general circulation in the town where the mobile home is located and sent by first class mail to the mobile home owner, the mobile home park owner and all lien holders of record. The notice of sale shall be published ~~three times, at least five days apart with the last publication being~~ no later than five calendar days before the date of sale.*

*(3) That the terms of sale provide for conveyance of the mobile home, together with any security deposit held by the park owner, by uniform mobile home bill of sale executed on behalf of the mobile home owner pursuant to the order of the court by the person authorized by the court, in "as is" condition, free and clear of all liens and other encumbrances of record.*

*(4) A minimum bid established by the court sufficient to cover the total costs listed in subdivisions (7)(A)-(D) of this subsection. The mobile home shall be sold to the highest bidder over the minimum bid set by the court.*

*(5) The successful bidder shall make full payment at the auction if the bid does not exceed \$2,000.00. If the bid exceeds \$2,000.00, the successful bidder shall provide a nonrefundable deposit at the time of the auction of at least \$2,000.00 or 25 percent of the bid, whichever is greater, and shall make full payment within three working days after the auction.*

*(6) A successful bidder, if other than the park owner, shall remove the mobile home from the park within five working days after the auction unless the park owner permits removal of the mobile home at a later date.*

*(7) The person who conducted the public sale shall report to the court the results of the sale, the proposed distribution of the proceeds of the sale, and the bank in which any excess proceeds are deposited and shall send a copy of the report to the mobile home owner, the park owner and all lien holders of record by certified mail, return receipt requested, within three working days after the sale. Anyone claiming impropriety in the conduct of the sale may file an objection with the court within ~~12~~ seven days after the sale. The filing of an objection shall not invalidate the sale or delay transfer of ownership of the abandoned mobile home. If an objection is filed and if the court finds impropriety in the conduct of the sale, the court may order distribution of the*

*proceeds of the sale as is fair, taking into account the impropriety. If no objection is filed with the court, on the ~~15th~~ eighth day after the sale, the proceeds shall be distributed as follows:*

*\* \* \**

*\* \* \* DEHCD Study and Planning \* \* \**

*Sec. 4. DEHCD STUDIES; LONG-RANGE PLANNING FOR THE VIABILITY AND DISASTER RESILIENCY OF MOBILE HOME OWNERSHIP AND PARKS*

*(a) The department of economic, housing and community development shall, in collaboration with other organizations and interested stakeholders, and as funding from FEMA and other sources allows develop a plan for the future viability and disaster resiliency of mobile home ownership and parks.*

*(b) The plan shall:*

*(1) With input from the agency of natural resources, identify parks vulnerable to natural hazards such as flooding and develop a strategy for improving their safety and resiliency through education, emergency planning, mitigation measures, reconfiguration, and relocation.*

*(2) Identify barriers to mobile home ownership including the availability of financing and mortgage insurance and recommend methods for the state to assist, including coordinating with USDA Rural Development to extend its pilot program under the section 502 direct loan and guarantee loan programs and working with public, private, and nonprofit entities to develop solutions.*

*(3) Address the potential loss of mobile home parks and affordability due to sale, closure, or natural disaster by recommending actions to encourage resident or nonprofit purchase and ownership and the creation of new mobile home parks or lots through technical assistance and planning guidance to municipalities and developers.*

*(4) Working in collaboration with the Vermont housing and conservation board and any additional public or private funding entities, assess other housing designs as alternatives to mobile homes that are affordable when all related costs such as siting, water and sewer, and energy use are taken into consideration.*

*(5) Address and propose recommendations on the most effective mechanisms for ensuring adequate maintenance, repair, and safety of private roads and of public spaces within a mobile home park.*

*Sec. 5. 20 V.S.A. § 2731(k) is added to read:*

*(k) Building codes. Pursuant to his or her authority under this section, the commissioner of public safety shall:*



(1) Develop and maintain on the department website a graphic chart or grid depicting categories of construction, including new construction, major rehabilitation, change of use, and additions, and the respective building codes that apply to each category.

(2) Whenever practicable and appropriate, offer the opportunity to construction and design professionals to participate in division of fire safety staff training.

(3) Update building codes on three-year cycles, consistent with codes developed by code-writing authorities, to keep pace with technology, products, and design.

(4) Create a publicly accessible database of decisions that are decided on appeal to the commissioner.

Sec. 6. 9 V.S.A. § 4503 is amended to read:

§ 4503. UNFAIR HOUSING PRACTICES

(a) It shall be unlawful for any person:

\* \* \*

(11) To fail to comply with provisions or rules pertaining to covered multifamily dwellings, as defined in ~~21 V.S.A. § 271~~, pursuant to ~~chapter 4 of Title 21~~ 20 V.S.A. § 2900(4) and pursuant to 20 V.S.A. chapter 174.

(12) To discriminate in land use decisions or in the permitting of housing because of race, sex, sexual orientation, gender identity, age, marital status, religious creed, color, national origin, disability, the presence of one or more minor children, income, or because of the receipt of public assistance, except as otherwise provided by law.

\* \* \*

Sec. 7. 24 V.S.A. § 4412 is amended to read:

§ 4412. REQUIRED PROVISIONS AND PROHIBITED EFFECTS

Notwithstanding any existing bylaw, the following land development provisions shall apply in every municipality:

(1) Equal treatment of housing and required provisions for affordable housing.

(A) No bylaw nor its application by an appropriate municipal panel under this chapter shall have the effect of excluding housing that meets the needs of the population as determined in the housing element of its municipal plan as required under subdivision 4382(a)(10) of this title or the effect of discriminating in the permitting of housing as specified in 9 V.S.A. § 4503.



\* \* \*

\* \* \* *Allocation of Rental Housing Subsidies by State Entities (VSHA)* \* \* \*

*Sec. 8. ADMINISTRATION OF RENTAL HOUSING SUBSIDIES; FINDINGS AND PURPOSE*

*The general assembly finds:*

*(1) Administration of rental housing subsidies in Vermont, including federal housing funds, is a public and essential governmental function to be focused primarily on assuring safe and decent housing for low and moderate income persons without undue regard for the generation of profit or surplus.*

*(2) In recent years, private entities, including nominally private entities controlled by public jurisdictions from other states, have sought contracts to administer allocations of federal rental subsidies throughout the United States.*

*(3) To the maximum extent permitted by applicable law, it is the purpose of Sec. 9 of this act to limit the administrative control of federal rental subsidies to state of Vermont public bodies.*

*Sec. 9. 24 V.S.A. § 4005(e) is added to read:*

*(e) Notwithstanding any provision of law, no person, domestic or foreign, shall be authorized to administer allocations of money under 42 U.S.C.A. § 1437a or 1437f or other federal statute authorizing rental subsidies for the benefit of persons of low or moderate income, except:*

*(1) a subcontractor of the state authority; or*

*(2) a state public body authorized by law to administer such allocations.*

\* \* \* *Expedited Removal of Mobile Home by Municipality* \* \* \*

*Sec. 10. 9 V.S.A. § 2608 is added to read:*

*§ 2608. MUNICIPAL ACTION FOR SALE OF ABANDONED MOBILE HOME*

*(a) In the alternative to the process for foreclosure of a tax lien on a mobile home pursuant to 32 V.S.A. chapter 133, a municipality shall have the authority to commence an action to sell at public auction an abandoned mobile home located within the municipality pursuant to this section.*

*(b) A municipality shall file a verified complaint in the civil division of the superior court for the county in which the municipality is located, which shall be entitled "In re: Abandoned Mobile Home of [name of owner]," and shall include the following information:*

*(1) The physical location and address of the mobile home.*

(2) The name and last known mailing address of the owner of the mobile home.

(3) A description of the mobile home, including make, model, and serial number, if available.

(4) The names and addresses of creditors, holders of housing subsidy covenants, or others having an interest in the mobile home based on liens or notices of record in the municipality offices or the office of the secretary of state.

(5) The facts supporting the claim that the mobile home has been abandoned.

(6) The name of a person disinterested in the mobile home or of a municipality employee who will be responsible for the sale of the mobile home at a public auction.

(7) A statement of the amount of taxes, fees, and other charges due or which will become due to the municipality.

(8) If the mobile home is located on leased land, the name and address of the landowner.

(c) A municipality may request an order approving transfer of a mobile home which is unfit for human habitation to the municipality without a public sale by filing a verified complaint containing the information required in subsection (a) of this section and the facts supporting the claim that the mobile home is unfit for human habitation.

(d) When a verified complaint is filed under this section, the clerk of the civil division of the superior court shall set a hearing to be held at least 15 days but no later than 30 days after the filing of the complaint.

(e) Within five days after filing the verified complaint, the municipality shall post a copy of the verified complaint and order for hearing on the mobile home and send a copy of the verified complaint and order for hearing by certified mail, return receipt requested, to the mobile home owner's last known mailing address, to the landowner if the mobile home is located on leased land, and to all lien-holders of record.

(f) The municipality shall publish the verified complaint and order for hearing in a newspaper of general circulation in the municipality where the mobile home is located. The notice shall be published no later than five calendar days before the date of hearing.

(g) If prior to or at the hearing any lien-holder certifies to the court that the lien-holder has paid to the municipality all taxes, charges, and fees due the municipality and will commence or has commenced proceedings to enforce the

lien and will continue to pay municipal taxes, charges, and fees during the proceedings under this section, the court shall, upon confirmation of the representations of the lien-holder, stay the action under this section pending completion of the lien-holder's action.

(h) At the hearing, the municipality shall prove ownership of the mobile home; abandonment of the mobile home; the amount of taxes, fees, and other charges due the municipality; and the amount of attorney fees claimed. The municipality shall also prove compliance with the notice requirements of subsections (e) and (f) of this section. Whether a mobile home is abandoned shall be a question of fact determined by the court.

(i) If the court finds that the municipality has complied with subsection (h) of this section, the court shall enter an order approving the sale of the mobile home at a public auction to be held within 15 days of the date of the order. The municipality shall send the order by first-class mail to the mobile home owner, to the landowner if the mobile home is located on leased land, and to all lien-holders of record. The order shall require all the following:

(1) That the sale shall be conducted by the person identified in the verified complaint or some other person approved by the court.

(2) That notice of the sale shall be published in a newspaper of general circulation in the municipality where the mobile home is located and sent by first-class mail to the mobile home owner, to the landowner if the mobile home is located on leased land, and to all lien-holders of record. The notice of sale shall be published no later than three calendar days before the date of sale.

(3) That the terms of sale provide for conveyance of the mobile home by real estate deed or by uniform mobile home bill of sale, as appropriate under this chapter, executed on behalf of the mobile home owner pursuant to the order of the court by the person authorized by the court, in "as is" condition, and free and clear of all liens and other encumbrances of record.

(4) A minimum bid established by the court sufficient to cover the total costs listed in subdivisions (7)(A)–(D) of this subsection. The mobile home shall be sold to the highest bidder over the minimum bid set by the court; provided, however, that if no bid meets or exceeds the minimum bid set by the court, the court shall order transfer of the mobile home to the municipality upon payment of costs due to the person who conducted the sale.

(5) The successful bidder, if other than the municipality:

(A) shall make full payment at the auction if the bid does not exceed \$2,000.00; or

(B) if the bid exceeds \$2,000.00, shall provide a nonrefundable deposit at the time of the auction of at least \$2,000.00 or 25 percent of the bid,

whichever is greater, and shall make full payment within three working days after the auction.

(6) A successful bidder, if other than the municipality, shall remove the mobile home from its current location within five working days after the auction unless the municipality permits the mobile home to remain on the site or permits removal of the mobile home at a later date. If the mobile home is located on leased land, the mobile home shall be removed within five days unless the landowner grants permission to the successful bidder, including the municipality, for the mobile home to remain on the leased land.

(7) The person who conducted the public sale shall report to the court the results of the sale, the proposed distribution of the proceeds of the sale, and the bank in which any excess proceeds are deposited and shall send a copy of the report to the mobile home owner, the municipality, the landowner if the mobile home is located on leased land, and all lien-holders of record by certified mail, return receipt requested, within three working days after the sale. Anyone claiming impropriety in the conduct of the sale may file an objection with the court within seven days after the sale. The filing of an objection shall not invalidate the sale or delay transfer of ownership of the abandoned mobile home. If an objection is filed and if the court finds impropriety in the conduct of the sale, the court may order distribution of the proceeds of the sale as is fair, taking into account the impropriety. If no objection is filed with the court, on the eighth day after the sale, the proceeds shall be distributed as follows:

(A) To the person conducting the sale for costs of the sale.

(B) To the municipality for court costs, publication and mailing costs, and attorney fees incurred in connection with the action in an amount approved by the court.

(C) To the municipality for taxes, penalties, and interest owed in an amount approved by the court.

(D) To the landowner for unpaid lot rent if the mobile home is located on leased land.

(E) The balance to a bank account in the name of the mobile home municipality as trustee, for the benefit of the mobile home owner and lien-holders of record, to be distributed pursuant to further order of the court.

(j) Notwithstanding provisions of this section and 10 V.S.A. § 6249 (sale of abandoned mobile home by park owner) to the contrary, if an action is commenced by a municipality pursuant to this section and by a mobile home park owner pursuant to 10 V.S.A. § 6249 for the sale of the same abandoned mobile home within 30 days of one another, the court shall consolidate the cases and shall distribute the proceeds of a sale as follows:

(1) To the person conducting the sale for costs of the sale.

(2) To the municipality and the park owner equitably in the discretion of the court:

(A) for court costs, publication and mailing costs, and attorney fees incurred in connection with the action in an amount approved by the court;

(B) for taxes, penalties, and interest owed the municipality in an amount approved by the court; and

(C) for rent and other charges owed to the park owner in an amount approved by the court.

(3) The balance to a bank account in the name of the mobile home municipality as trustee for the benefit of the mobile home owner and lien-holders of record, to be distributed pursuant to further order of the court.

(k) If a municipality requests an order approving transfer of a mobile home to the municipality without a public sale, the court shall approve that order if it finds that the municipality has complied with subsection (h) of this section and has proved that the mobile home is unfit for human habitation. In determining whether a mobile home is unfit for human habitation, the court shall consider whether the mobile home:

(1) contains functioning appliances and plumbing fixtures;

(2) contains safe and functioning electrical fixtures and wiring;

(3) contains a safe and functioning heating system;

(4) contains a weather-tight exterior closure;

(5) is structurally sound;

(6) is reasonably free of trash, debris, filth, and pests.

~~Sec. 11. 9 V.S.A. § 4462 is amended to read:~~

~~§ 4462. ABANDONMENT; UNCLAIMED PROPERTY~~

~~\*\*\*~~

~~(d) Any personal property remaining in the dwelling unit or leased premises after the tenant has vacated may be disposed of by the landlord without notice or liability to the tenant or owner of the personal property, provided that one of the following has occurred:~~

~~(1) The tenant provided actual notice to the landlord that the tenant has vacated the dwelling unit ~~or~~ leased premises, or mobile home lot.~~

~~(2) The tenant has vacated the dwelling unit ~~or~~ leased premises, or mobile home lot at the end of the rental agreement.~~

~~(3) Fourteen calendar days have expired following the execution of a writ of possession pursuant to 10 V.S.A. chapter 153, 11 V.S.A. chapter 14, or 12 V.S.A. chapter 169.~~

Sec. 11. 12 V.S.A. § 4854a is added to read:

§ 4854a. PROPERTY OF TENANT REMAINING ON PREMISES AFTER EVICTION

(a) A landlord may dispose of any personal property remaining in a dwelling unit or leased premises without notice or liability to the tenant or owner of the personal property:

(1) 15 days after a writ of possession is served pursuant to this chapter; or

(2) in the case of an eviction brought pursuant to 10 V.S.A. chapter 153, 40 days after a writ of possession issued for failure to pay rent into court pursuant to subsection 4853a(h) of this title is served.

(b) Notwithstanding subsection (a) of this section, if the court stays the execution of a writ of possession issued pursuant to this chapter, then a landlord may dispose of any personal property remaining in a dwelling unit or leased premises without notice or liability to the tenant or owner of the personal property five days after the landlord is legally restored to possession of the dwelling unit or leased premises.

Sec. 12. PRIORITIES FOR MOBILE HOME INVESTMENTS

In the event that sources of funding are available for investments in securing mobile home infrastructure, expanding affordable ownership opportunities, and other activities consistent with the goals and purposes of this act, it is the intent of the general assembly to invest in the following priorities:

(1) Investment in the department of economic, housing and community development:

(A) for one or more grants to the Champlain Valley Office of Economic Opportunity to increase its ability to provide start-up and ongoing technical assistance to mobile home park residents interested in cooperative ownership of their parks.

(B) to increase department staff for long-range planning for the preservation and replacement of mobile home parks noticed for sale or closure or damaged by flooding.

(2) Investment in the Vermont housing and conservation board's project feasibility fund to conduct financial feasibility and infrastructure needs

analyses of mobile home parks noticed for sale or closure or damaged by flooding.

(3) Investment in the department of economic, housing and community development to develop and implement with the Champlain Housing Trust, the Central Vermont Community Land Trust, Gilman Housing Trust, NeighborWorks of Western Vermont, Windham & Windsor Housing Trust, and other stakeholders a program to help finance the purchase, repair, refinance, and replacement of up to 100 individual mobile homes. The general assembly further recommends that the department coordinate with the Champlain Housing Trust and other stakeholders to secure additional grant capital to help fund the program from a variety of public and private sources.

(4) Investment in the department of economic, housing and community development to fund the following activities related to mobile home parks that will be maintained as affordable housing for low-income Vermonters on a perpetual basis:

(A) the purchase of mobile home parks, including purchase by resident-owned cooperatives;

(B) infrastructure improvements; and

(C) disaster recovery, including relocation or replacement of mobile home parks damaged by flooding.

**Sec. 12a. LEGISLATIVE INTENT; SALES AND USE TAX HOLIDAYS FOR MOBILE HOMES**

It is the intent of the general assembly to provide tax relief from the sales and use tax, the local option sales tax, and the property transfer tax for a mobile home purchased to replace a mobile home that was damaged or destroyed as a result of damage incurred during the spring flooding or during Tropical Storm Irene in 2011. Accordingly, it is the intent of the general assembly that in House Bill 782 (2012) entitled "An act relating to miscellaneous tax changes for 2012," there shall be included a provision authorizing relief from the sales and use tax, the local option sales tax, and the property transfer tax for eligible mobile homes purchased during a qualifying period to replace homes that suffered flood and storm damage, authorizing reimbursement for eligible taxes paid for mobile homes purchased during the qualifying period, and authorizing the department of taxes to adopt standards and procedures necessary to achieve the goals of this section.

**Sec. 13. DELAY OF LOAN REPAYMENTS DUE TO TROPICAL STORM IRENE**

Due to the damage caused by Tropical Storm Irene at the Tri-Parks mobile home parks, the substantial amount of monies necessary for repairs, and the



unavailability of additional monies to both make the repairs and make loan payments, the repayment start dates for State Revolving Loans RF1-104 and RF3-163 are hereby delayed by two years until June 1, 2014, without any penalty or additional costs or fees. Subject to any applicable limitations of federal law, the secretary of natural resources shall have the authority to offer similar repayment modifications to other mobile home parks that suffered damage from Tropical Storm Irene.

~~Sec. 14. 26 V.S.A. § 894 is amended to read:~~

~~§ 894. ENERGIZING INSTALLATIONS; REENERGIZING AFTER EMERGENCY DISCONNECTION~~

~~(a) A new electrical installation in or on a complex structure; or an electrical installation used for the testing or construction of a complex structure shall not be connected or caused to be connected, to a source of electrical energy unless prior to such connection, either a temporary or a permanent energizing permit is issued for that installation by the commissioner or an electrical inspector.~~

~~(b) An existing electrical installation in any structure, including a single-family owner-occupied freestanding residence, that was disconnected as the result of an emergency that affects the internal electrical circuits shall not be reconnected to a source of electrical energy until the electrical installation has been inspected and determined to be safe by a licensed journeyman or licensed master electrician.~~

~~(c) This section shall not be construed to limit or interfere with a contractor's right to receive payment for electrical work for which a certificate of completion has been granted.~~

~~Sec. 15. 26 V.S.A. § 904(a) is amended to read:~~

~~(a) To be eligible for licensure as a type-S journeyman an applicant shall:~~

~~(1) complete an accredited training and experience program recognized by the board; or~~

~~(2) have had training and experience, within or without this state, acceptable to the board; and~~

~~(3) pass an examination to the satisfaction of the board in one or more of the following fields:~~

~~(A) Automatic gas or oil heating;~~

~~(B) Outdoor advertising;~~

~~(C) Refrigeration or air conditioning;~~

~~(D) Appliance and motor repairs;~~



~~(E) Well pumps;~~

(F) Farm equipment;

(G) Renewable energy systems for one- and two-family dwellings;

(H) Any miscellaneous specified area of specialized competence.

Sec. 16. 26 V.S.A. § 910 is amended to read:

§ 910. LICENSE NOT REQUIRED

A license shall not be required for the following types of work:

(1) Any electrical work, including construction, installation, operation, maintenance, and repair of electrical installations in, on, or about equipment or premises, which are owned or leased by the operator of any industrial or manufacturing plant, if the work is done under the supervision of an electrical engineer or master electrician in the employ of the operator;

(2) Installation in laboratories of exposed electrical wiring for experimental purposes only;

(3) Any electrical work by ~~an~~ the owner or his or her regular employees and any unpaid assistants in the owner's owner-occupied, freestanding single unit residence, in and outbuildings accessory to such the freestanding single unit residence or any structure on owner-occupied farms;

(4) Electrical installations performed as a part of a training project of a vocational school or other educational institution. However, the installation shall be inspected if the building in which the installation is made, is to be used as a "complex structure";

(5) Electrical work performed by an electrician's helper under the direct supervision of a person who holds an appropriate license issued under this chapter;

~~(6) Any electrical work in a building used for dwelling or residential purposes which contains no more than two dwelling units.~~

~~(7) Installation of solar electric modules and racking on complex structures to the point of connection to field-fabricated wiring and erection of net metered wind turbines.~~

Sec. 17. EFFECTIVE DATE; TRANSITIONAL PROVISIONS

(a) This act shall take effect on passage.

(b) In order to provide time for the electrical licensing board to develop and conduct a test for a type-S journeyman's license for renewable energy installation and for renewable energy installers to complete the licensing requirements, a license shall not be required for renewable energy

~~*installations until 12 months after the electrical licensing board adopts the test and licensing procedure.*~~

*Sec. 14. EFFECTIVE DATE*

*This act shall take effect on passage.*