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S.311

Introduced by Committee on Economic Development, Housing and General  
Affairs

Date:

Subject: Conservation and development; land use; housing; Act 250

Statement of purpose of bill as introduced: This bill proposes to make multiple  
changes related to housing, including land use planning, Act 250, municipal  
zoning, taxes, and housing incentives and programs.

An act relating to bringing everyone home

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

Sec. 1. SHORT TITLE

This act shall be known and may be cited as the “BE Home Act.”

\* \* \* Act 250 \* \* \*

Sec. 2. 10 V.S.A. § 6001 is amended to read:

§ 6001. DEFINITIONS

As used in this chapter:

\* \* \*

(3)(A) “Development” means each of the following:

\* \* \*

1           (iv)(I) The construction of housing projects such as cooperatives,  
2           condominiums, or dwellings, or construction or maintenance of mobile homes  
3           or mobile home parks, with ~~40~~ 75 or more units, constructed or maintained on  
4           a tract or tracts of land, located within a municipality with permanent zoning  
5           and subdivision bylaws, in an area served by municipal sewer and water  
6           infrastructure as defined by 24 V.S.A. § 4303, and owned or controlled by a  
7           person, ~~within a radius of five miles of any point on any involved land and~~  
8           within any continuous period of ~~five~~ two years. ~~However:~~

9                     ~~(I) A priority housing project shall constitute a development~~  
10           ~~under this subdivision (iv) only if the number of housing units in the project is:~~

11                     ~~(aa) [Repealed.]~~

12                     ~~(bb) [Repealed.]~~

13                     ~~(cc) 75 or more, in a municipality with a population of 6,000~~  
14           ~~or more but less than 10,000.~~

15                     ~~(dd) 50 or more, in a municipality with a population of less~~  
16           ~~than 6,000.~~

17                     ~~(ee) [Repealed.]~~

18                     ~~(ff) Notwithstanding subdivisions (cc) through (ee) of this~~  
19           ~~subdivision (3)(A)(iv)(I), 10 or more if the construction involves the~~  
20           ~~demolition of one or more buildings that are listed on or eligible to be listed on~~  
21           ~~the State or National Register of Historic Places. However, demolition shall~~

1 ~~not be considered to create jurisdiction under this subdivision (ff) if the~~  
2 ~~Division for Historic Preservation has determined that the proposed demolition~~  
3 ~~will have no adverse effect, will have no adverse effect if specified conditions~~  
4 ~~are met, or will have an adverse effect that will be adequately mitigated. Any~~  
5 ~~imposed conditions shall be enforceable through a grant condition, deed~~  
6 ~~covenant, or other legally binding document.~~

7 (II) ~~The determination of jurisdiction over a priority housing~~  
8 ~~project shall count only the housing units included in that discrete project~~ The  
9 construction of housing projects such as cooperatives, condominiums, or  
10 dwellings, or construction or maintenance of mobile homes or mobile home  
11 parks, with 30 or more units, constructed or maintained on a tract or tracts of  
12 land owned or controlled by a person, located within a municipality with  
13 permanent zoning and subdivision bylaws, and within any continuous period  
14 of two years.

15 (III) ~~Housing units in a priority housing project shall not count~~  
16 ~~toward determining jurisdiction over any other project~~ The construction of  
17 housing projects such as cooperatives, condominiums, or dwellings, or  
18 construction or maintenance of mobile homes or mobile home parks, with  
19 10 or more units, constructed or maintained on a tract or tracts of land owned  
20 or controlled by a person, within a located municipality without permanent  
21 zoning and subdivision bylaws, and within any continuous period of two years.

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\* \* \*

~~(xi) Notwithstanding any other provision of law to the contrary, until July 1, 2026, the construction of housing projects such as cooperatives, condominiums, dwellings, or mobile homes, with 25 or more units, constructed or maintained on a tract or tracts of land, located entirely within a designated downtown development district, a designated neighborhood development area, a designated village center with permanent zoning and subdivision bylaws, or a designated growth center, owned or controlled by a person, within a radius of five miles of any point on any involved land and within any continuous period of five years. For purposes of this subsection, the construction of four units or fewer of housing in an existing structure shall only count as one unit towards the total number of units.~~

\* \* \*

(D) The word “development” does not include:

\* \* \*

~~(viii)(I) The construction of a priority housing project in a municipality with a population of 10,000 or more.~~

~~(II) If the construction of a priority housing project in this subdivision (3)(D)(viii) involves demolition of one or more buildings that are listed or eligible to be listed on the State or National Register of Historic Places, this exemption shall not apply unless the Division for Historic~~

1 ~~Preservation has made the determination described in subdivision (A)(iv)(I)(ff)~~  
2 ~~of this subdivision (3) and any imposed conditions are enforceable in the~~  
3 ~~manner set forth in that subdivision.~~

4 ~~(H) Notwithstanding any other provision of law to the~~  
5 ~~contrary, until July 1, 2026, the construction of a priority housing project~~  
6 ~~located entirely within a designated downtown development district,~~  
7 ~~designated neighborhood development area, or a designated growth center~~  
8 Hotels and motels converted to permanently affordable housing developments  
9 as defined in 24 V.S.A. § 4303(2).

10 \* \* \*

11 (35) ~~“Priority housing project” means a discrete project located on a~~  
12 ~~single tract or multiple contiguous tracts of land that consists exclusively of~~  
13 ~~mixed income housing or mixed use, or any combination thereof, and is~~  
14 ~~located entirely within a designated downtown development district,~~  
15 ~~designated new town center, designated growth center, or designated~~  
16 ~~neighborhood development area under 24 V.S.A. chapter 76A. [Repealed.]~~

17 \* \* \*

18 Sec. 3. 10 V.S.A. § 6081 is amended to read:

19 § 6081. PERMITS REQUIRED; EXEMPTIONS

20 \* \* \*

1           (t) No permit or permit amendment is required for the construction of  
2           improvements for an accessory dwelling unit as defined in 24 V.S.A. § 4303.

3   \* \* \*

4           (aa) No permit amendment is required for the construction of  
5           improvements for converting a structure used for a commercial purpose to  
6           29 or fewer housing units.

7           (bb) No permit amendment is required for development or subdivisions,  
8           located on a tract or tracts of land, owned or controlled by a person, within a  
9           designated center and within a radius of one-quarter mile of the boundary of a  
10          designated village center and one-half mile of the boundary of a designated  
11          center.

12          Sec. 4. 10 V.S.A. § 6084(f) is added to read:

13          (f) The applicant shall post a sign provided by the District Commission on  
14          the subject property in a visible location 14 days prior to the hearing on the  
15          application and until the permit is issued or denied. The District Commission  
16          shall provide the sign that shall include a general description of the project, the  
17          date and place of the hearing, the identification number of the application and  
18          the internet address, and the contact information for the District Commission.  
19          The design of the signs shall be consistent throughout the State and  
20          prominently state “This Property has applied for an Act 250 Permit.”

1 Sec. 5. 10 V.S.A. § 6086(d) is amended to read:

2 (d) State and municipal permits.

3 (1) The District Commission shall not delay issuing a permit under this  
4 chapter on the grounds that the development or subdivision has not received  
5 one or more other required State permits or approvals; however, it may include  
6 a condition that construction may not commence until such other required  
7 permits or approvals are received.

8 (2) The Natural Resources Board ~~may by rule~~ shall allow the acceptance  
9 of a permit or permits or approval of any State agency with respect to  
10 subdivisions (a)(1) through (5) of this section or a permit or permits of a  
11 specified municipal government with respect to subdivisions (a)(1) through (7)  
12 and (9) and (10) of this section, or a combination of such permits or approvals,  
13 in lieu of evidence by the applicant. A District Commission, ~~in accordance~~  
14 ~~with rules adopted by the Board,~~ shall accept determinations issued by a  
15 development review board under the provisions of 24 V.S.A. § 4420, with  
16 respect to local Act 250 review of municipal impacts. The acceptance of such  
17 approval, positive determinations, permit, or permits shall ~~create a presumption~~  
18 constitute conclusive evidence that the application is not detrimental to the  
19 public health and welfare with respect to the specific requirement for which it  
20 is accepted. In the case of approvals and permits issued by the Agency of

1 Natural Resources, technical determinations of the Agency shall be accorded  
2 substantial deference by the Commissions.

3 (3) The acceptance of negative determinations issued by a development  
4 review board under the provisions of 24 V.S.A. § 4420, with respect to local  
5 Act 250 review of municipal impacts, shall create a presumption that the  
6 application is detrimental to the public health and welfare with respect to the  
7 specific requirement for which it is accepted. Any determinations, positive or  
8 negative, under the provisions of 24 V.S.A. § 4420 shall create presumptions  
9 only to the extent that the impacts under the criteria are limited to the  
10 municipality issuing the decision. ~~Such a rule may be revoked or amended~~  
11 ~~pursuant to the procedures set forth in 3 V.S.A. chapter 25, the Vermont~~  
12 ~~Administrative Procedure Act. The rules adopted by the Board shall not~~  
13 ~~approve the acceptance of a permit or approval of such an agency or a permit~~  
14 ~~of a municipal government unless it satisfies the appropriate requirements of~~  
15 ~~subsection (a) of this section.~~

16 Sec. 6. 10 V.S.A. § 6086(h) is added to read:

17 (h) Compliance self-certification. The District Commission may require  
18 that a person who receives a permit under this chapter report on a regular  
19 schedule to the District Commission on whether or not the person has  
20 complied with and is in compliance with the conditions required in that permit.



1 The report shall be made on a form provided by the Board and shall be  
2 notarized and contain a self-certification to the truth of statements.

3 Sec. 7. 10 V.S.A. § 6093 is amended to read:

4 § 6093. MITIGATION OF PRIMARY AGRICULTURAL SOILS

5 (a) Mitigation for loss of primary agricultural soils. Suitable mitigation for  
6 the conversion of primary agricultural soils necessary to satisfy subdivision  
7 6086(a)(9)(B)(iv) of this title shall depend on where the project tract is located.

8 (1) Project located in certain designated areas. This subdivision applies  
9 to projects located in the following areas designated under 24 V.S.A. chapter  
10 76A: a downtown development district, a growth center, a new town center  
11 ~~designated on or before January 1, 2014~~, and a neighborhood development area  
12 ~~associated with a designated downtown development district~~. If the project  
13 tract is located in one of these designated areas, an applicant who complies  
14 with subdivision 6086(a)(9)(B)(iv) of this title shall deposit an offsite  
15 mitigation fee into the Vermont Housing and Conservation Trust Fund  
16 established under section 312 of this title for the purpose of preserving primary  
17 agricultural soils of equal or greater value with the highest priority given to  
18 preserving prime agricultural soils as defined by the U.S. Department of  
19 Agriculture. Any required offsite mitigation fee shall be derived by:

20 (A) Determining the number of acres of primary agricultural soils  
21 affected by the proposed development or subdivision.

1 (B) Multiplying the number of affected acres of primary agricultural  
2 soils by a factor resulting in a ratio established as follows:

3 (i) For development or subdivision within a designated area  
4 described in this subdivision (a)(1), the ratio shall be 1:1.

5 (ii) For residential construction that has a density of at least eight  
6 units of housing per acre, of which at least eight units per acre or at least  
7 40 percent of the units, on average, in the entire development or subdivision,  
8 whichever is greater, meets the definition of affordable housing established in  
9 this chapter, no mitigation shall be required, regardless of location in or outside  
10 a designated area described in this subdivision (a)(1). However, all affordable  
11 housing units shall be subject to housing subsidy covenants, as defined in  
12 27 V.S.A. § 610, that preserve their affordability for a period of 99 years or  
13 longer. As used in this section, housing that is rented shall be considered  
14 affordable housing when its inhabitants have a gross annual household income  
15 that does not exceed 60 percent of the county median income or 60 percent of  
16 the standard metropolitan statistical area income if the municipality is located  
17 in such an area.

18 (iii) For an alternative or community wastewater system that will  
19 serve development within a designated area, no mitigation shall be required.

20 \* \* \*

1 Sec. 8. REPEALS

2 (a) 10 V.S.A. § 6081(o) and (p) are repealed.

3 (b) 30 V.S.A. § 55 (priority housing projects; stretch code) is repealed.

4 (c) 2023 Acts and Resolves No. 47, Sec. 16a (Act 250 exemption  
5 requirements) is repealed.

6 (d) 10 V.S.A. § 6001(3)(A)(iv) and 10 V.S.A. § 6081(bb) are repealed on  
7 June 30, 2029.

8 \* \* \* Municipal Zoning \* \* \*

9 Sec. 9. 24 V.S.A. § 4382 is amended to read:

10 § 4382. THE PLAN FOR A MUNICIPALITY

11 (a) A plan for a municipality shall be consistent with the goals established  
12 in section 4302 of this title and compatible with approved plans of other  
13 municipalities in the region and with the regional plan and shall include the  
14 following:

15 \* \* \*

16 (10) A housing element that shall include a recommended program for  
17 public and private actions to address housing needs as identified by the  
18 regional planning commission pursuant to subdivision 4348a(a)(9) of this title.  
19 The program ~~should~~ shall use data on year-round and seasonal dwellings and  
20 include specific actions to address the housing needs of persons with low

1 income and persons with moderate income and account for permitted  
2 residential development as described in section 4412 of this title.

3 \* \* \*

4 Sec. 10. 24 V.S.A. § 4412 is amended to read:

5 § 4412. REQUIRED PROVISIONS AND PROHIBITED EFFECTS

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

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

10 \* \* \*

11 (D) Bylaws shall designate appropriate districts and reasonable  
12 regulations for multiunit or multifamily dwellings. No bylaw shall have the  
13 effect of excluding these multiunit or multifamily dwellings from the  
14 municipality. In any district that allows year-round residential development,  
15 duplexes shall be ~~an allowed~~ a permitted use with ~~the same~~ dimensional  
16 standards as that are not more restrictive than is required for a single-unit  
17 dwelling, including no additional land or lot area than would be required for a  
18 single-unit dwelling. In any district that is served by municipal sewer and  
19 water infrastructure that allows residential development, multiunit dwellings  
20 with four or fewer units shall be a permitted use on lots that are at least 1/3 of  
21 an acre in size with an allowed density of up to 12 units per acre, unless that

1 district specifically requires multiunit structures to have more than four  
2 dwelling units.

3 \* \* \*

4 (12) In any area served by municipal sewer and water infrastructure that  
5 allows residential development, bylaws shall establish lot and building  
6 dimensional standards that allow five or more dwelling units per acre for each  
7 allowed residential use, ~~and density.~~ Any lot that is smaller than one acre but  
8 granted a variance of not more than 10 percent shall be treated as one acre for  
9 the purposes of this subsection. Density and minimum lot size standards for  
10 multiunit dwellings shall not be more restrictive than those required for single-  
11 family dwellings.

12 (13) In any area served by municipal sewer and water infrastructure that  
13 allows residential development, bylaws shall permit any affordable housing  
14 development, as defined in subdivision 4303(2) of this title, including mixed-  
15 use development, to exceed density limitations for residential developments by  
16 an additional 40 percent, rounded up to the nearest whole unit, which shall  
17 include exceeding maximum height limitations by one floor, provided that the  
18 structure complies with the Vermont Fire and Building Safety Code.

19 (14) No zoning or subdivision bylaw shall have the effect of prohibiting  
20 unrelated occupants from residing in the same dwelling unit.

1 Sec. 11. 24 V.S.A. § 4413 is amended to read:

2 § 4413. LIMITATIONS ON MUNICIPAL BYLAWS

3 (a)(1) The following uses may be regulated only with respect to location,  
4 size, height, building bulk, yards, courts, setbacks, density of buildings, off-  
5 street parking, loading facilities, traffic, noise, lighting, landscaping, and  
6 screening requirements, and only to the extent that regulations do not have the  
7 effect of interfering with the intended functional use:

8 (A) State- or community-owned and -operated institutions and  
9 facilities;

10 (B) public and private schools and other educational institutions  
11 certified by the Agency of Education;

12 (C) churches and other places of worship, convents, and parish  
13 houses;

14 (D) public and private hospitals;

15 (E) regional solid waste management facilities certified under  
16 10 V.S.A. chapter 159;

17 (F) hazardous waste management facilities for which a notice of  
18 intent to construct has been received under 10 V.S.A. § 6606a; ~~and~~

19 (G) emergency shelters; and

20 (H) hotels and motels converted to permanently affordable housing  
21 developments.

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Sec. 12. 24 V.S.A. § 4428 is added to read:

§ 4428. PARKING BYLAWS

(a) Parking regulation. Consistent with section 4414 of this title and with this section, a municipality may regulate parking.

(b) Tandem parking. Tandem parking shall count toward residential parking space requirements. A municipality may require that tandem spaces are not shared between different dwelling units. As used in this subsection, “tandem parking” means a narrow parking space that can accommodate two or more vehicles parked in a single-file line.

(c) Parking space size standards. For the purpose of residential parking, a municipality shall define a standard parking space as not larger than nine feet by 18 feet, however a municipality may allow a portion of parking spaces to be smaller for compact cars or similar use. A municipality may require a larger space wherever American with Disabilities Act-compliant spaces are required.

(d) Existing nonconforming parking. A municipality shall allow an existing nonconforming parking space to count toward the parking requirement of an existing residential building if new residential units are added to the building.

1           (e) Adjacent lots. A municipality may allow a person with a valid legal  
2           agreement for use of parking spaces in an adjacent or nearby lot to count  
3           toward the parking requirement of a residential building.

4           Sec. 13. 2023 Acts and Resolves No. 47, Sec. 1 is amended to read:

5                 Sec. 1. 24 V.S.A. § 4414 is amended to read:

6                 § 4414. ZONING; PERMISSIBLE TYPES OF REGULATIONS

7                             \* \* \*

8                 (4) Parking and loading facilities. A municipality may adopt provisions  
9                 setting forth standards for permitted and required facilities for off-street  
10                parking and loading, which may vary by district and by uses within each  
11                district. In any district that is served by municipal sewer and water  
12                infrastructure that allows residential uses, a municipality shall not require more  
13                than one parking space per dwelling unit. However, a municipality may  
14                require 1.5 parking spaces for duplexes and multiunit dwellings in areas not  
15                served by sewer and water, and in areas that are located more than one-quarter  
16                mile away from public parking. The number of parking spaces shall be  
17                rounded up to the nearest whole number when calculating the total number of  
18                spaces. These bylaws may also include provisions covering the location, size,  
19                design, access, landscaping, and screening of those facilities. In determining  
20                the number of parking spaces for nonresidential uses and size of parking  
21                spaces required under these regulations, the appropriate municipal panel may



1 take into account the existence or availability of employer “transit pass” and  
2 rideshare programs, public transit routes, and public parking spaces in the  
3 vicinity of the development.

4 \* \* \*

5 Sec. 14. 2023 Acts and Resolves No. 81, Sec. 10 is amended to read:

6 Sec. 10. 2023 Acts and Resolves No. 47, Sec. 47 is amended to read:

7 Sec. 47. EFFECTIVE DATES

8 This act shall take effect on July 1, 2023, except that:

9 (1) Sec. 1 (24 V.S.A. § 4414) shall take effect on ~~December~~ July 1,  
10 2024.

11 \* \* \*

12 Sec. 15. 24 V.S.A. § 4429 is added to read:

13 § 4429. LOT COVERAGE BYLAWS

14 (a) A municipality shall allow for lot coverage of at least 50 percent in  
15 areas served by municipal water and sewer infrastructure.

16 (b) A municipality shall allow for a lot coverage bonus of 20 percent on  
17 lots that allow access to new or subdivided lots without road frontage.

18 (c) A municipality shall approve a lot that does not comply with required  
19 lot coverage if lots for new housing are created through subdivision in areas  
20 served by municipal water and sewer infrastructure.

1 Sec. 16. 24 V.S.A. § 4442 is amended to read:

2 § 4442. ADOPTION OF BYLAWS AND RELATED REGULATORY  
3 TOOLS; AMENDMENT OR REPEAL

4 \* \* \*

5 (c) Routine adoption. A bylaw, bylaw amendment, or bylaw repeal shall  
6 be adopted by a majority of the members of the legislative body at a meeting  
7 that is held after the final public hearing and shall be effective 21 days after  
8 adoption ~~unless, by action of the legislative body, the bylaw, bylaw~~  
9 ~~amendment, or bylaw repeal is warned for adoption by the municipality by~~  
10 ~~Australian ballot at a special or regular meeting of the municipality.~~

11 \* \* \*

12 Sec. 17. 24 V.S.A. § 4464 is amended to read:

13 § 4464. HEARING AND NOTICE REQUIREMENTS; DECISIONS AND  
14 CONDITIONS; ADMINISTRATIVE REVIEW; ROLE OF  
15 ADVISORY COMMISSIONS IN DEVELOPMENT REVIEW

16 \* \* \*

17 (b) Decisions.

18 (1) The appropriate municipal panel may recess the proceedings on any  
19 application pending submission of additional information. The panel should  
20 close the evidence promptly after all parties have submitted the requested  
21 information. The panel shall adjourn the hearing and issue a decision within

1 ~~45~~ 180 days after the adjournment of the hearing, and failure of the panel to  
2 issue a decision within this period shall be deemed approval and shall be  
3 effective on the 46th day complete application was submitted unless both the  
4 applicant and the panel agree to waive the deadline. Decisions shall be issued  
5 in writing and shall include a statement of the factual bases on which the  
6 appropriate municipal panel has made its conclusions and a statement of the  
7 conclusions. The minutes of the meeting may suffice, provided the factual  
8 bases and conclusions relating to the review standards are provided in  
9 conformance with this subsection.

10 \* \* \*

11 Sec. 18. 24 V.S.A. § 4465 is amended to read:

12 § 4465. APPEALS OF DECISIONS OF THE ADMINISTRATIVE OFFICER

13 \* \* \*

14 (b) As used in this chapter, an “interested person” means any one of the  
15 following:

16 \* \* \*

17 (4) ~~Any 10 persons~~ A minimum of three percent, rounded up to the  
18 nearest whole person, of the most recent U.S. Census Bureau population  
19 estimate of the municipality that may or may not have participated in the  
20 proceeding or any 25 persons, who may be any combination of voters,  
21 residents, or real property owners within a municipality listed in subdivision

1 (2) of this subsection who, by signed petition to the appropriate municipal  
2 panel of a municipality, the plan or a bylaw of which is at issue in any appeal  
3 brought under this title, allege that any relief requested by a person under this  
4 title, if granted, will not be in accord with the policies, purposes, or terms of  
5 the plan or bylaw of that municipality. This petition to the appropriate  
6 municipal panel must designate one person to serve as the representative of the  
7 petitioners regarding all matters related to the appeal. For purposes of this  
8 subdivision, an appeal shall not include the character of the area affected if the  
9 project has a residential component that includes affordable housing.

10 \* \* \*

11 (d) For the purposes of this section, an appeal shall not include the  
12 following:

13 (1) Any residential and mixed-use development containing up to  
14 25 dwelling units within areas served by municipal sewer and water  
15 infrastructure.

16 (2) Any permitted residential and mixed-use development that does not  
17 require conditional use review. Development requiring conditional use review  
18 may be appealed.

19 (3) Any housing or mixed-use development located within a designated  
20 center in a zoning district that allows residential development.

1 Sec. 19. 24 V.S.A. § 4471 is amended to read:

2 § 4471. APPEAL TO ENVIRONMENTAL DIVISION

3 (a) Participation required. An interested person who has participated in a  
4 municipal regulatory proceeding authorized under this title may appeal a  
5 decision rendered in that proceeding by an appropriate municipal panel to the  
6 Environmental Division, except, pursuant to subdivision 4464(b)(4) of this  
7 title, that not every person of the three percent of the population needs to have  
8 participated. Participation in a local regulatory proceeding shall consist of  
9 offering, through oral or written testimony, evidence or a statement of concern  
10 related to the subject of the proceeding. An appeal from a decision of the  
11 appropriate municipal panel, or from a decision of the municipal legislative  
12 body under subsection 4415(d) of this title, shall be taken in such manner as  
13 the Supreme Court may by rule provide for appeals from State agencies  
14 governed by 3 V.S.A. §§ 801–816, unless the decision is an appropriate  
15 municipal panel decision ~~which~~ that the municipality has elected to be subject  
16 to review on the record.

17 \* \* \*

18 Sec. 20. 10 V.S.A. § 8504 is amended to read:

19 § 8504. APPEALS TO THE ENVIRONMENTAL DIVISION

20 \* \* \*

1 (k) Limitations on appeals. Notwithstanding any other provision of this  
2 section:

3 (1) there shall be no appeal from a District Commission decision when  
4 the Commission has issued a permit and no hearing was requested or held, or  
5 no motion to alter was filed following the issuance of an administrative  
6 amendment;

7 (2) a municipal decision regarding whether a particular application  
8 qualifies for a recorded hearing under 24 V.S.A. § 4471(b) shall not be subject  
9 to appeal;

10 (3) if a District Commission issues a partial decision under subsection  
11 6086(b) of this title, any appeal of that decision must be taken within 30 days  
12 of the date of that decision; and

13 (4) it shall be the goal of the Environmental Division to hear a case  
14 regarding appeals of an appropriate municipal panel under 24 V.S.A. chapter  
15 117 within 60 days following the case being filed with the Division and issue a  
16 decision within 90 days following the close of the hearing on the case.

17 \* \* \*

18 Sec. 21. SUPERIOR COURT; POSITION; APPROPRIATION

19 (a) There is established one permanent judge in the Superior Court in fiscal  
20 year 2025.

1       (b) In fiscal year 2025, \$168,000.00 General Fund is appropriated to the  
2       Superior Court for the new judge created in subsection (a) of this section.

3                               \* \* \* Downtown Tax Credits \* \* \*

4       Sec. 22. 32 V.S.A. § 5930ee is amended to read:

5       § 5930ee. LIMITATIONS

6       Beginning in fiscal year 2010 and thereafter, the State Board may award tax  
7       credits to all qualified applicants under this subchapter, provided that:

8               (1) the total amount of tax credits awarded annually, together with sales  
9       tax reallocated under section 9819 of this title, does not exceed ~~\$3,000,000.00~~  
10       \$5,000,000.00;

11                               \* \* \*

12                               \* \* \* New Act 250 Tiers \* \* \*

13       Sec. 23. 10 V.S.A. § 6001 is amended to read:

14       § 6001. DEFINITIONS

15       As used in this chapter:

16                               \* \* \*

17               (3)(A) “Development” means each of the following:

18                               \* \* \*

19               (vi) The construction of improvements for commercial, industrial,  
20       or residential use at or above the elevation of 2,500 feet or in or within a Tier 3  
21       area.

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(xii) The construction of a road, roads, driveway, or driveways, which in combination is greater than 2,000 feet, to provide access to or within a tract or tracts of land of more than one acre owned or controlled by a person.

(I) For the purposes of determining jurisdiction under this subdivision (xii), any tract or tracts of land that will be provided access by the road or driveway is involved land.

(II) As used in this subdivision (xii), “road” shall include any new road or upgrade of a Class 4 highway by a person other than a municipality, including a road that will be transferred to or maintained by a municipality after its construction or upgrade. For the purposes of this subdivision (II), routine maintenance of a Class 4 highway or stormwater improvement required pursuant to section 1264 of this title shall not constitute an “upgrade.”

(aa) Routine maintenance shall include replacing a culvert or ditch, applying new stone, grading, or making repairs after adverse weather.

(bb) Routine maintenance shall not include changing the size of the road, changing the location or layout of the road, or adding pavement.

(III) For the purpose of determining the length under this subdivision (xii), the length of all roads and driveways within the tract or tracts



1 of land constructed within any continuous period of 10 years after October 1,  
2 2024 shall be included.

3 (IV) This subdivision (xii) shall not apply to

4 (aa) a road constructed for a municipal, county, or State  
5 purpose; a utility corridor of an electric transmission or distribution company;  
6 or a road located entirely within in a designated downtown or neighborhood  
7 development area; or

8 (bb) a road used primarily for farming or forestry purposes  
9 unless used for residential purpose.

10 \* \* \*

11 (50) “Tier 1A” means an area as defined by the Board and mapped by a  
12 municipality’s maps.

13 (51) “Tier 1B” means an area as defined by the Board and mapped by a  
14 municipality’s maps.

15 (52) “Tier 2” means an area that is not in Tier 1A, 1B, or 3.

16 (53) “Tier 3” means an area as defined by the Board and mapped by the  
17 regional land use maps, that contains ecologically important natural resources.

18 Sec. 24. 10 V.S.A. § 6032 is added to read:

19 § 6032. DESIGNATION OF TIERS 1A, 1B, AND 3

1       (a) On or before October 1, 2025, the Board shall adopt rules establishing  
2       the process for designating Tier 1A and Tier 1B areas. The rules shall at a  
3       minimum include provisions for the following:

4               (1) Municipalities develop the application for designation under either  
5       Tier and proposed maps of the area and submit it to the Regional Planning  
6       Commission for comment and approval. The Regional Planning Commission  
7       shall then review the proposal to ensure it is consistent with the regional plan,  
8       and provide additional technical input and advice as needed to improve the  
9       application.

10              (2) If the regional planning commission concurs with the municipality's  
11       application, the municipality would submit the application to the Board for  
12       approval. During this review, the regional planning commission's concurrence  
13       would create a presumption that the application is consistent with the regional  
14       plan

15              (3) If the regional planning commission raises objections to the  
16       municipality's application, the municipality may choose to rework the  
17       application and resubmit it to the regional planning commission or go ahead  
18       and submit the application for review by the Board without regional planning  
19       commission approval. In the later instance, the municipality would have to  
20       demonstrate to the Board that the application is consistent with the regional  
21       plan and explain why it chose not to rework its application.

1           (4) The Board would oversee a public review process, provide  
2           opportunities for comment, and then issue a determination on the application.

3           (5) There shall be a process for challenging and appealing designation  
4           decisions at the time of the certification or recertification.

5           (6) Municipalities that apply for Tier 1 designated areas, but do not  
6           succeed, may subsequently reapply.

7           (7) Municipalities that have designated areas approved for Tier 1B  
8           status can later apply for designating the areas Tier 1A. Municipalities can  
9           modify their approved plans and reapply.

10           (8) Tier 1A or 1B area designation shall be reviewed and recertified  
11           every eight years.

12           (b) The Board's rules shall establish qualifications for Tier 1A and Tier 1B,  
13           which shall at a minimum include:

14           (1) A municipal plan that is approved in accordance with 24 V.S.A.  
15           § 4350.

16           (2) Municipal flood hazard planning, applicable to the entire  
17           municipality, in accordance with 24 V.S.A. § 4382(12) and the guidelines  
18           issued by the Department pursuant to 24 V.S.A. § 2792(d).

19           (3) Flood hazard and river corridor bylaws, applicable to the entire  
20           municipality, that are consistent with the standards established pursuant to

1 subsection 755(b) of this title (flood hazard) and subsection 1428(b) of this  
2 title (river corridor).

3 (4) Permanent zoning and subdivision bylaws that do not include broad  
4 exemptions that exclude significant private or public land development either  
5 from requiring a municipal land use permit or from development entirely.

6 (5) Permitted water and wastewater systems with the capacity to support  
7 additional development within the planned growth area. The municipality  
8 shall have adopted consistent policies, by municipal plan and ordinance, on the  
9 allocation, connection, and extension of water and wastewater lines that  
10 include a defined service area to support the planned growth area.

11 (6) Municipal staff adequate to support coordinated comprehensive and  
12 capital planning, development review, and zoning administration in the  
13 planned growth area.

14 (7) The applicable regional plan has been approved by the Board.

15 (8) Tier 1A shall have additional requirements.

16 (c) On or before October 1, 2025, the Board shall adopt rules establishing  
17 the process for designating transportation corridors. The rules shall at a  
18 minimum include provisions for the following:

19 (1) A definition of transportation corridor that includes the area within  
20 100 feet of a class 2 or class 3 highway that is served by municipal sewer and  
21 water infrastructure.

1           (2) Municipalities develop the application for designation of a  
2           transportation corridor and proposed maps of the area and submit it to the  
3           regional planning commission for comment and approval. The regional  
4           planning commission shall then review the proposal to ensure it is consistent  
5           with the regional plan and provide additional technical input and advice as  
6           needed to improve the application.

7           (3) A regional planning commission may apply for designation of a  
8           transportation corridor that spans multiple municipalities.

9           (d) On or before October 1, 2025, the Board shall adopt rules establishing  
10          the process for designating Tier 3 areas. The rules shall at a minimum include  
11          provisions for the following:

12           (1) Each respective regional planning commission would recommend a  
13           mapping process for identifying Tier 3 areas. This shall include a process for  
14           reviewing existing maps, such as Vermont Conservation Design and other  
15           available science-based resources, a process for public comment, and  
16           authorization of a statewide board to review and approve Tier 3 designations.

17           (2) Each regional planning commission would be primarily responsible  
18           for conducting the mapping, in consultation with municipalities, based on  
19           consistent and robust standards, and with additional resources and technical  
20           support from the State. The regional planning commissions would submit their  
21           maps to the Board for approval through a public process, with opportunities for

1 public comment and appeal. Municipalities shall have an opportunity to  
2 oppose or appeal the regional planning commission's proposed maps if they  
3 disagree with the regional planning commission's determinations.

4 (e) The regional planning commissions shall conduct an environmental  
5 justice analysis to determine if the costs and benefits of the Tiers are  
6 distributed equitably within municipalities and the region.

7 (f) On or before December 1, 2026, the regional planning commissions  
8 shall complete necessary mapping of Tiers.

9 Sec. 25. 24 V.S.A. § 4382 is amended to read:

10 § 4382. THE PLAN FOR A MUNICIPALITY

11 (a) A plan for a municipality shall be consistent with the goals established  
12 in section 4302 of this title and compatible with approved plans of other  
13 municipalities in the region and with the regional plan and shall include the  
14 following:

15 \* \* \*

16 (2) A land use plan, which shall consist of a map and statement of  
17 present and prospective land uses, that:

18 \* \* \*

19 (C) Identifies those areas, if any, proposed for designation under  
20 chapter 76A of this title or 10 V.S.A. § 6032, together with, for each area  
21 proposed for designation, an explanation of how the designation would further

1 the plan's goals and the goals of section 4302 of this title; and how the area  
2 meets the requirements for the type of designation to be sought.

3 \* \* \*

4 Sec. 26. 10 V.S.A. § 6081 is amended to read:

5 § 6081. PERMITS REQUIRED; EXEMPTIONS

6 \* \* \*

7 (z) Tier exemptions.

8 (1) Notwithstanding any other provision of this chapter to the contrary,  
9 no permit or permit amendment is required for any subdivision, development,  
10 or change to an existing project that is located entirely within a Tier 1A area  
11 designated under section 6032 of this chapter.

12 (2) Notwithstanding any other provision of this chapter to the contrary,  
13 no permit or permit amendment is required for 50 units or fewer of housing  
14 located entirely within a Tier 1B area or transportation corridor designated  
15 under section 6032 of this chapter.

16 (3) Upon receiving notice and a copy of the permit issued by an  
17 appropriate municipal panel pursuant to 24 V.S.A. § 4460(f), a previously  
18 issued permit for a development or subdivision located in a planned growth  
19 area shall remain attached to the property. However, neither the Board nor the  
20 Agency of Natural Resources shall enforce the permit or assert amendment  
21 jurisdiction on the tract or tracts of land unless the designation is revoked or

1 the municipality has not taken any action to enforce the conditions of the  
2 permit.

3 \* \* \* Taxes \* \* \*

4 Sec. 27. 32 V.S.A. § 9602 is amended to read:

5 § 9602. TAX ON TRANSFER OF TITLE TO PROPERTY

6 A tax is hereby imposed upon the transfer by deed of title to property  
7 located in this State, or a transfer or acquisition of a controlling interest in any  
8 person with title to property in this State. The amount of the tax equals one  
9 and one-quarter percent of the value of the property transferred, or \$1.00,  
10 whichever is greater, except as follows:

11 (1) With respect to the transfer of property to be used for the principal  
12 residence of the transferee, the tax shall be imposed at the rate of five-tenths of  
13 one percent of the first \$100,000.00 in value of the property transferred and at  
14 the rate of one and one-quarter percent of the value of the property transferred  
15 in excess of \$100,000.00; except that no tax shall be imposed on the first  
16 \$110,000.00 in value of the property transferred if the purchaser obtains a  
17 purchase money mortgage funded in part with a homeland grant through the  
18 Vermont Housing and Conservation Trust Fund or that the Vermont Housing  
19 and Finance Agency or U.S. Department of Agriculture and Rural  
20 Development has committed to make or purchase; and tax at the rate of one



1 and one-quarter percent shall be imposed on the value of that property in  
2 excess of \$110,000.00.

3 \* \* \*

4 (4) With respect to the transfer of residential property that will not be  
5 used as the principal residence of the transferee, and for which the transferee  
6 will not be required to provide a landlord certificate pursuant to section 6069  
7 of this title, the tax shall be imposed at the rate of two and one-half percent of  
8 the value of the property transferred.

9 Sec. 28. 10 V.S.A. § 312 is amended to read:

10 § 312. CREATION OF VERMONT HOUSING AND CONSERVATION  
11 TRUST FUND

12 There is created a special fund in the State Treasury to be known as the  
13 “Vermont Housing and Conservation Trust Fund.” The Fund shall be  
14 administered by the Board and expenditures therefrom shall only be made to  
15 implement and effectuate the policies and purposes of this chapter. The Fund  
16 shall be ~~comprised~~ composed of 60 percent of the revenue collected under  
17 32 V.S.A. § 9602(a)(4), 50 percent of the revenue from the property transfer  
18 tax under 32 V.S.A. chapter 231 all other subdivisions of 32 V.S.A. § 9602(a),  
19 and any monies from time to time appropriated to the Fund by the General  
20 Assembly or received from any other source, private or public, approved by

1 the Board. Unexpended balances and any earnings shall remain in the Fund  
2 for use in accord with the purposes of this chapter.

3 Sec. 29. 24 V.S.A. § 4306(a) is amended to read:

4 (a)(1) The Municipal and Regional Planning Fund for the purpose of  
5 assisting municipal and regional planning commissions to carry out the intent  
6 of this chapter is hereby created in the State Treasury.

7 (2) The Fund shall be composed of 23.5 percent of the revenue collected  
8 under 32 V.S.A. § 9602(a)(4), 17 percent of the revenue from ~~the property~~  
9 ~~transfer tax under 32 V.S.A. chapter 231~~ all other subdivisions of 32 V.S.A.  
10 § 9602 (a), and any monies from time to time appropriated to the Fund by the  
11 General Assembly or received from any other source, private or public. All  
12 balances at the end of any fiscal year shall be carried forward and remain in the  
13 Fund. Interest earned by the Fund shall be deposited in the Fund.

14 (3) Of the revenues in the Fund, each year:

15 (A) 10 percent shall be disbursed to the Vermont Center for  
16 Geographic Information;

17 (B) 70 percent shall be disbursed to the Secretary of Commerce and  
18 Community Development for performance contracts with regional planning  
19 commissions to provide regional planning services pursuant to section 4341a  
20 of this title; and

21 (C) 20 percent shall be disbursed to municipalities.

1 Sec. 30. 32 V.S.A. § 435(b) shall be amended to read:

2 (b) The General Fund shall be composed of revenues from the following  
3 sources:

4 (1) alcoholic beverage tax levied pursuant to 7 V.S.A. chapter 15;

5 (2) [Repealed.]

6 (3) [Repealed.]

7 (4) corporate income and franchise taxes levied pursuant to chapter 151  
8 of this title;

9 (5) individual income taxes levied pursuant to chapter 151 of this title;

10 (6) all corporation taxes levied pursuant to chapter 211 of this title;

11 (7) 69 percent of the meals and rooms taxes levied pursuant to chapter  
12 225 of this title;

13 (8) [Repealed.]

14 (9) [Repealed.]

15 (10) 16.5 percent of the revenue collected under subdivision 9602(a)(4)  
16 of this title, 33 percent of the revenue from the property transfer taxes levied  
17 pursuant to chapter 231 of this title all other subdivisions of 9602(a) of this  
18 title, and the revenue from the gains taxes levied each year pursuant to chapter  
19 236 of this title; and

20 (11) [Repealed.]

1 (12) all other revenues accruing to the State not otherwise required by  
2 law to be deposited in any other designated fund or used for any other  
3 designated purpose.

4 Sec. 31. 32 V.S.A. § 5811(21)(C) is amended to read:

5 (C) decreased by the following exemptions and deductions:

6 \* \* \*

7 (iv) an amount equal to the itemized deduction for medical  
8 expenses taken at the federal level by the taxpayer, under 26 U.S.C. § 213:

9 ~~(H) minus the amount of the Vermont standard deduction and~~  
10 Vermont personal exemptions taken by the taxpayer under this subdivision  
11 (C); and

12 ~~(H) minus any amount deducted at the federal level that is~~  
13 ~~attributable to the payment of an entrance fee or recurring monthly payment~~  
14 ~~made to a continuing care retirement community regulated under 8 V.S.A.~~  
15 ~~chapter 151, which exceeds the deductibility limits for premiums paid during~~  
16 ~~the taxable year on qualified long term care insurance contracts under 26~~  
17 ~~U.S.C. 213(d)(10)(A).~~

18 \* \* \* Housing Programs \* \* \*

19 Sec. 32. 10 V.S.A. § 699 is amended to read:

20 § 699. VERMONT RENTAL HOUSING IMPROVEMENT PROGRAM

21 (a) Creation of Program.

1           (1) The Department of Housing and Community Development shall  
2 design and implement the Vermont Rental Housing Improvement Program,  
3 through which the Department shall award funding to statewide or regional  
4 nonprofit housing organizations, or both, to provide competitive ~~grants and~~  
5 forgivable loans to private landlords for the rehabilitation, including  
6 weatherization and accessibility improvements, of eligible rental housing units.

7           (2) The Department shall develop statewide standards for the Program,  
8 including factors that partner organizations shall use to evaluate applications  
9 and award ~~grants and~~ forgivable loans.

10          (3) A landlord shall not offer a unit created through the Program as a  
11 short-term rental, as defined in 18 V.S.A. § 4301, for the period a grant or loan  
12 agreement is in effect.

13          (4) The Department may utilize a reasonable percentage of  
14 appropriations made to the Department for the Program to administer the  
15 Program.

16          (5) The Department may cooperate with and subgrant funds to State  
17 agencies and political subdivisions and public and private organizations in  
18 order to carry out the purposes of this subsection.

19          (b) Eligible rental housing units. The following units are eligible for a  
20 ~~grant or~~ forgivable loan through the Program:

21           (1) Non-code compliant.

1           (A) The unit is an existing unit, whether or not occupied, that does  
2           not comply with the requirements of applicable building, housing, or health  
3           laws.

4           (B) If the unit is occupied, the ~~grant or~~ forgivable loan agreement  
5           shall include terms:

6    \* \* \*

7           (d) Program requirements applicable to grants and forgivable loans.

8           (1) A ~~grant or~~ loan shall not exceed ~~\$50,000.00~~ \$70,000.00 per unit. In  
9           determining the amount of a ~~grant or~~ loan, a housing organization shall  
10          consider the number of bedrooms in the unit ~~and~~, whether the unit is being  
11          rehabilitated or newly created, and whether any rehabilitation or creation is for  
12          commercial conversion purposes.

13    \* \* \*

14          (e) Program requirements applicable to grants and five-year forgivable  
15          loans. For a grant or five-year forgivable loan awarded through the Program,  
16          the following requirements apply for a minimum period of five years:

17    \* \* \*

18          (4)(A) A landlord may convert a grant to a forgivable loan upon  
19          approval of the Department and the housing organization that approved the  
20          grant.

1           (B) A landlord who converts a grant to a forgivable loan shall receive  
2     a ~~10 percent~~ prorated credit for loan forgiveness for each year in which the  
3     landlord participates in the ~~grant~~ program.

4           (f) Requirements applicable to 10-year forgivable loans. For a 10-year  
5     forgivable loan awarded through the Program, the following requirements  
6     apply for a minimum period of 10 years:

7   \* \* \*

8     Sec. 33. VERMONT RENTAL HOUSING IMPROVEMENT  
9                                     APPROPRIATION

10           The sum of \$5,000,000.00 is appropriated from the General Fund to the  
11           Department of Housing and Community Development in fiscal year 2025 for  
12           the Vermont Housing Improvement Program established in 10 V.S.A. § 699.

13     Sec. 34. HEALTHY HOMES INITIATIVE APPROPRIATION

14           The sum of \$1,000,000.00 is appropriated from the General Fund to the  
15           Department of Environmental Conservation in fiscal year 2025 for the Healthy  
16           Homes Initiative.

17     Sec. 35. 2023 Acts and Resolves No. 47, Sec. 36 is amended to read:

18           Sec. 36. MIDDLE-INCOME HOMEOWNERSHIP DEVELOPMENT  
19     PROGRAM

20   \* \* \*

1 (d) The total amount of subsidies for a project shall not exceed 35 percent  
2 of eligible development costs, as determined by the Agency, ~~which the~~ at the  
3 time of approval of the project, unless the Agency later determines that the  
4 project will not result in affordable owner-occupied housing for income-  
5 eligible homebuyers without additional subsidy, in which case the Agency may  
6 reasonably exceed this limitation and only to the extent required to achieve  
7 affordable owner-occupied housing. The Agency ~~may~~ shall allocate subsidies  
8 consistent with the following:

9 (1) Developer subsidy. The Agency may provide a direct subsidy to the  
10 developer, which shall not exceed the difference between the cost of  
11 development and the market value of the home as completed.

12 (2) Affordability subsidy. Of any remaining amounts available for the  
13 project after the developer subsidy, the Agency may provide a subsidy for the  
14 benefit of the homebuyer to reduce the cost of purchasing the home, provided  
15 that:

16 (A) the Agency includes conditions in the subsidy, agreement or uses  
17 another legal mechanism, to ensure that, ~~to the extent the home value has risen,~~  
18 ~~the amount of the subsidy~~ upon sale of the home, to the extent proceeds are  
19 available, the amount of the affordability subsidy either:

20 (i) remains with the home to offset the cost to future homebuyers;  
21 or



1 (ii) is recaptured by the Agency upon sale of the home for use in a  
2 similar program to support affordable homeownership development; or

3 (B) the subsidy is subject to a housing subsidy covenant, as defined  
4 in 27 V.S.A. § 610, that preserves the affordability of the home for a period of  
5 99 years or longer.

6 (3) The Agency shall allocate not less than 33 percent of the funds  
7 available through the Program to projects that include a housing subsidy  
8 covenant consistent with subdivision (2)(B) of this subsection.

9 \* \* \*

10 (f)(1) When implementing the Program, the Agency shall consult  
11 stakeholders and experts in the field.

12 (2) The Program shall include:

13 (A) a streamlined and appropriately scaled application process;

14 (B) an outreach and education plan, including specific tactics to reach  
15 and support eligible applicants, especially those from underserved regions or  
16 sectors;

17 (C) an equitable system for distributing investments statewide on the  
18 basis of need according to a system of priorities that includes consideration of:

19 (i) geographic distribution;

20 (ii) community size;

21 (iii) community economic need; and

1 (iv) whether an application has already received an investment or  
2 is from an applicant in a community that has already received Program  
3 funding.

4 ~~(3) The Agency shall use its best efforts to ensure:~~

5 ~~(A) that investments awarded are targeted to the geographic~~  
6 ~~communities or regions with the most pressing economic and employment~~  
7 ~~needs; and~~

8 ~~(B) that the allocation of investments provides equitable access to the~~  
9 ~~benefits to all eligible geographical areas.~~

10 \* \* \*

11 Sec. 36. REPEAL

12 2023 Acts and Resolves No. 47, Sec. 37 (middle-income homeownership;  
13 implementation) is repealed.

14 Sec. 37. APPROPRIATION; RENT ARREARS ASSISTANCE FUND

15 The sum of \$5,000,000.00 is appropriated from the General Fund to the  
16 Vermont State Housing Authority in fiscal year 2025 for the Rent Arrears  
17 Assistance Fund established by 2023 Acts and Resolves No. 47, Sec. 45.

18 Sec. 38. APPROPRIATION; LANDLORD RELIEF PROGRAM

19 The sum of \$5,000,000.00 is appropriated from the General Fund to the  
20 Vermont State Housing Authority in fiscal year 2025 for the Landlord Relief

1 Program to assist landlords eligible to access relief due to participation in the  
2 Section 8 project-based voucher program.

3 \* \* \* Rental Registry \* \* \*

4 Sec. 39. 32 V.S.A. § 6069 is amended to read:

5 § 6069. LANDLORD CERTIFICATE

6 (a) On or before January 31 of each year, the owner of land rented as a  
7 portion of a homestead in the prior calendar year shall furnish a certificate of  
8 rent to the Department of Taxes and to each claimant who owned a portion of  
9 the homestead and rented that land as a portion of a homestead in the prior  
10 calendar year. The certificate shall indicate the proportion of total property tax  
11 on that parcel that was assessed for municipal property tax and for statewide  
12 property tax.

13 \* \* \*

14 (f) Annually on or before October 31, the Department shall prepare and,  
15 subject to the requirements of subsection (i) of this section, make available to a  
16 member of the public upon request a database in the form of a sortable  
17 spreadsheet that contains the following information for each rental unit for  
18 which the Department received a certificate pursuant to this section:

19 (1) name of owner or landlord;

20 (2) phone number, e-mail address, and mailing address of landlord, as  
21 available;

1 (3) location of rental unit;

2 (4) type of rental unit;

3 (5) number of units in building; ~~and~~

4 (6) School Property Account Number;

5 (7) year built;

6 (8) accessibility of rental unit; and

7 (9) any other information the Department deems appropriate.

8 (g) Annually on or before December 15, the Department shall submit a  
9 report on the aggregated data collected under this section to the Senate  
10 Committee on Economic Development, Housing and General Affairs and the  
11 House Committee on General and Housing.

12 (h) Within three days after a State declaration of a state of emergency under  
13 20 V.S.A. chapter 1, a federal emergency declaration covering any portion of  
14 the State, or reliable notice that the State is under imminent threat of an  
15 emergency, whichever is earliest, the Department shall provide any data  
16 compiled from the certificates received under this section to the Division of  
17 Vermont Emergency Management at the Department of Public Safety and any  
18 other appropriate State department or agency. The Department shall be  
19 deemed to have satisfied the requirements of this subsection if it has provided  
20 the data as required under this subsection within the 30 days preceding the  
21 emergency declaration.

1           (i) Any data obtained under this section shall be protected pursuant to  
2           1 V.S.A. § 317(c)(2) and may only be released to specifically designated  
3           persons who, in the discretion of the Department, shall use such data to further  
4           the public good. Data obtained under this section may not be disclosed to  
5           entities for the purposes of solicitation campaigns without express authority  
6           granted by the Department. Data about a specific unit may be disclosed to the  
7           owner or operator of the rental unit.

8                                   \* \* \* Short-Term Rental Safety Regulation \* \* \*

9           Sec. 40. 18 V.S.A. § 4303 is amended to read:

10          § 4303. RULEMAKING

11          (a) The Commissioner shall adopt rules pursuant to 3 V.S.A. chapter 25 to  
12          establish minimum standards for the safe and sanitary operation of food or  
13          lodging establishments ~~or~~ children’s camps, short-term rentals, or any  
14          combination thereof and for their administration and enforcement. The rules  
15          shall require that an establishment or short-term rental be constructed,  
16          maintained, and operated with strict regard for the health of the employees and  
17          the public pursuant to the following general requirements:

18                                   \* \* \*

19                  (6) There shall be proper operation and maintenance of pools, recreation  
20          water facilities, spas, and related facilities within lodging establishments and  
21          short-term rentals.

1 (7) The Commissioner may adopt any other minimum conditions  
2 deemed necessary for the operation and maintenance of a food or lodging  
3 establishment or short-term rental in a safe and sanitary manner.

4 \* \* \*

5 Sec. 41. 18 V.S.A. § 4468 is amended to read:

6 § 4468. EDUCATIONAL MATERIALS; COMPLAINTS

7 (a) The Department of Health, in collaboration with the Department of  
8 Public Safety's Division of Fire Safety, shall prepare a packet of information  
9 pertaining to the health, safety, and financial obligations of short-term rental  
10 operators, including information regarding the importance of reviewing options  
11 for property and liability insurance with the operator's insurance company.

12 (b) Included with the information packet set forth in subsection (a) of this  
13 section shall be a self-certification form pertaining to health and safety  
14 precautions that short-term rental operators must take into consideration prior  
15 to renting a unit. ~~The form shall be retained by the operator and need not be~~  
16 ~~filed with the Department.~~ A short-term rental operator shall file the form with  
17 the Department and shall make the form available to a renter upon request.

18 (c) A renter of a short-term rental may file a complaint with the Department  
19 of Public Safety's Division of Fire Safety if the renter believes the short-term  
20 rental is in violation of the health and safety standards set forth in the  
21 information packet provided under subsection (a) of this section.

1       (d) If a complaint issued under subsection (c) of this section results in an  
2       inspection for a short-term rental, the Commissioner shall give consideration in  
3       any hearing or order under section 4307 of this title to whether the operator of  
4       the short-term rental disclosed any potential health or safety violations under  
5       this chapter in the certification form filed with the Department under  
6       subsection (b) of this section.

7                                 \* \* \* Flood Risk Disclosure \* \* \*

8       Sec. 42. 27 V.S.A. § 380 is added to read:

9       § 380. DISCLOSURE OF INFORMATION; CONVEYANCE OF REAL

10                         ESTATE

11       (a) Prior to or as part of a contract for the conveyance of real property, the  
12       seller shall provide notice to the buyer whether the property is subject to any  
13       requirement under federal law to obtain and maintain flood insurance on the  
14       property. This notice shall be provided in a clear and conspicuous manner in a  
15       separate written document and attached as an addendum to the contract.

16       (b) The failure of the seller to provide the buyer with the information  
17       required under subsection (a) of this section is grounds for the buyer to  
18       terminate the contract prior to transfer of title or occupancy, whichever occurs  
19       earlier.

20       (c) A buyer of real estate who fails to receive the information required to be  
21       disclosed by a seller under subsection (a) of this section may bring an action to

1 recover from the seller the amount of the buyer's damages and reasonable  
2 attorney's fees. The buyer may also seek punitive damages when the seller  
3 knowingly failed to provide the required information.

4 (d) A seller shall not be liable for damages under this section for any error,  
5 inaccuracy, or omission of any information required to be disclosed to the  
6 buyer under subsection (a) of this section when the error, inaccuracy, or  
7 omission was based on information provided by a public body or a by another  
8 person with a professional license or special knowledge who provided a  
9 written report that the seller reasonably believed to be correct and that was  
10 provided by the seller to the buyer.

11 (e) Noncompliance with the requirements of this section shall not affect the  
12 marketability of title of a real property.

13 Sec. 43. 9 V.S.A. § 4466 is added to read:

14 § 4466. REQUIRED DISCLOSURE

15 A landlord shall disclose in advance of entering a rental agreement with a  
16 tenant whether any portion of the premises offered for rent is located in a  
17 Federal Emergency Management Agency mapped flood hazard area. This  
18 notice shall be provided in a separate written document given to the tenant at  
19 or before execution of the lease.

20 Sec. 44. 10 V.S.A. § 6236(e) is amended to read:

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



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\* \* \*

(8) Notice that the mobile home park is in a flood hazard area if any lot within the mobile home park is wholly or partially located in a flood hazard area according to the flood insurance rate map effective for the mobile home park at the time the proposed lease is furnished to a prospective leaseholder. This notice shall be provided in a clear and conspicuous manner in a separate written document attached as an addendum to the proposed lease.

Sec. 45. 10 V.S.A. § 6201 is amended to read:

§ 6201. DEFINITIONS

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

\* \* \*

(13) “Flood hazard area” has the same meaning as in section 752 of this title.

(14) “Flood insurance rate map” means, for any mobile home park, the official flood insurance rate map describing that park published by the Federal Emergency Management Agency on its website.

\* \* \* Mobile Homes \* \* \*

Sec. 46. 2022 Acts and Resolves No. 182, Sec. 3, as amended by 2023 Acts and Resolves No. 3, Sec. 75 and 2023 Acts and Resolves No. 78, Sec. C.119, is further amended to read:

1           Sec. 3. MANUFACTURED HOME IMPROVEMENT AND  
2                               REPLACEMENT PROGRAM

3           (a) Of the amounts available from the American Rescue Plan Act (ARPA)  
4 recovery funds, \$4,000,000 is appropriated to the Department of Housing and  
5 Community Development for the purposes specified:

6   \* \* \*

7           (b) The Department administers the Manufactured Home Improvement and  
8 Repair Program and may utilize a reasonable percentage of appropriations  
9 made to the Department for the Program to administer the Program. The  
10 Department may cooperate with and subgrant funds to State agencies and  
11 political subdivisions and public and private organizations in order to carry out  
12 the purposes of subsection (a) of this section.

13           Sec. 47. MANUFACTURED HOME IMPROVEMENT AND REPAIR  
14                               PROGRAM APPROPRIATIONS; INFRASTRUCTURE; MOBILE  
15                               HOME REPAIR

16           (a) The sum of \$1,000,000.00 is appropriated from the General Fund to the  
17 Department of Housing and Community Development in fiscal year 2025 for  
18 improvements to mobile home park infrastructure under the Manufactured  
19 Home Improvement and Repair Program established by 2022 Acts and  
20 Resolves No. 182, Sec. 3, and amended from time to time.

1       (b) The sum of \$1,000,000.00 is appropriated from the General Fund to the  
2       Department of Housing and Community Development in fiscal year 2025 for  
3       expanding the Home Repair Awards program under the Manufactured Home  
4       Improvement and Repair Program established by 2022 Acts and Resolves No.  
5       182, Sec. 3, and amended from time to time.

6       Sec. 48. MOBILE HOME PARK INFRASTRUCTURE NEEDS

7               ASSESSMENT

8       (a) On or before January 15, 2025, the Department of Housing and  
9       Community Development shall submit a report to the Senate Committee on  
10       Economic Development, Housing, and General Affairs on the near- and long-  
11       term infrastructure needs of each mobile home park in the State. The report  
12       shall recommend plans to address those needs.

13       (b) The sum of \$50,000.00 is appropriated from the General Fund to the  
14       Department of Housing and Community Development for the purpose of  
15       subsection (a) of this section.

16       Sec. 49. MOBILE HOME TECHNICAL ASSISTANCE APPROPRIATION

17       The sum of \$1,000,000.00 is appropriated from the General Fund to the  
18       Office of Economic Opportunity within the Department for Children and  
19       Families for a subgrant to the Champlain Valley Office of Economic  
20       Opportunity in fiscal year 2025 to fund technical assistance programs under the  
21       Mobile Home Program.

1                                   \* \* \* Age-Restricted Housing \* \* \*

2           Sec. 50. 10 V.S.A. § 325c is added to read:

3           § 325c. AGE-RESTRICTED HOUSING; RIGHT OF FIRST REFUSAL

4           All subsidized age-restricted housing within the State offered for sale by a  
5           private owner shall also be offered to the Board. The offer shall be made in  
6           writing and shall be sent by certified mail to the Board. The offer shall include  
7           a description of the property, the price, and any terms, reservations, or  
8           conditions the owner proposes to include as part of the sale. Within 60 days,  
9           the Board shall accept or reject the offer. If the Board does not accept the offer  
10           within the 60-day period, the Board’s preferential right under this section shall  
11           terminate.

12           Sec. 51. 10 V.S.A. § 325d is added to read:

13           § 325d. AGE-RESTRICTED HOUSING; RENT INCREASE; NOTICE

14           (a) An owner of subsidized age-restricted housing within the State shall  
15           provide written notification on a form provided by the Department of Housing  
16           and Community Development to the Board and all the affected residents of any  
17           rent increase not later than 60 days before the effective date of the proposed  
18           increase. The notice shall include all the following:

19                   (1) the amount of the proposed rent increase;

20                   (2) the effective date of the increase;

21                   (3) a copy of the resident’s rights pursuant to this section; and

1           (4) the percentage of increase from the current base rent.

2           (b) If the owner fails to notify either the residents or the Board of a rent  
3           increase as required by subsection (a) of this section, the proposed rent  
4           increase shall be ineffective and unenforceable.

5                                   \* \* \* Studies and Reports \* \* \*

6           Sec. 52. LAND BANK STUDY

7           (a) The Department of Housing and Community Development and the  
8           Vermont League of Cities and Towns shall analyze the feasibility of a land  
9           bank program that would identify, acquire, and restore to productive use  
10           vacant, abandoned, contaminated, and distressed properties. The Department  
11           and the League shall engage with local municipalities, regional organizations,  
12           community organizations, and other stakeholders to explore:

13               (1) existing authority for public interest land acquisition for  
14               redevelopment and use;

15               (2) successful models and best practices for land bank programs in  
16               Vermont and other jurisdictions, including local, regional, nonprofit, state, and  
17               hybrid approaches that leverage the capacities of diverse communities and  
18               organizations within Vermont;

19               (3) potential benefits and challenges to creating and implementing a  
20               land bank program in Vermont;

1           (4) alternative approaches to State and municipal land acquisition,  
2           including residual value life estates and eminent domain, for purposes of  
3           revitalization and emergency land management, including for placement of  
4           trailers and other temporary housing;

5           (5) funding mechanisms and resources required to establish and operate  
6           a land bank program; and

7           (6) the legal and regulatory framework required to govern a State land  
8           bank program.

9           (b) On or before December 15, 2024, the Department of Housing and  
10          Community Development and the Vermont League of Cities and Towns shall  
11          submit a report to the Senate Committee on Economic Development, Housing  
12          and General Affairs and the House Committee on General and Housing with  
13          its findings and recommendations, including proposed draft legislation for the  
14          establishment and operation of a land bank.

15          Sec. 53. RENT PAYMENT REPORTING STUDY

16          (a) To facilitate the development of a pilot program for housing providers  
17          to report tenant rent payments for inclusion in consumer credit reports, the  
18          Office of the State Treasurer shall study:

19               (1) any entities currently facilitating landlord credit reporting;

1           (2) the number of landlords in Vermont utilizing rent payment software,  
2           related software expenses, and the need for or benefit of utilizing software for  
3           positive pay reporting;

4           (3) the impacts on tenants from rent payment reporting programs,  
5           including, if feasible, data gathered from the Champlain Housing Trust's  
6           program;

7           (4) any logistical steps the State must take to facilitate the program and  
8           any associated administrative costs; and

9           (5) any other issues the Treasurer deems appropriate for facilitating the  
10          development of the pilot program.

11          (b) On or before December 15, 2024, the Treasurer shall submit a report to  
12          the Senate Committee on Economic Development, Housing and General  
13          Affairs with its findings and recommendations, which may be in the form of  
14          proposed legislation.

15          Sec. 54. LANDLORD-TENANT LAW; STUDY COMMITTEE; REPORT

16          (a) Creation. There is created the Landlord-Tenant Law Study Committee  
17          to review and consider modernizing the landlord-tenant laws and evictions  
18          processes in Vermont.

19          (b) Membership. The Committee is composed of the following members:

20                 (1) three current members of the House of Representatives, not all from  
21                 the same political party, who shall be appointed by the Speaker of the House;

1           (2) three current members of the Senate, not all from the same political  
2           party, who shall be appointed by the Committee on Committees;

3           (3) a representative of Vermont Legal Aid with experience defending  
4           tenants in evictions actions;

5           (4) a representative of the Vermont Landlords Association;

6           (5) a representative of the Department of Housing and Community  
7           Development; and

8           (6) a representative of the Judiciary.

9           (c) Powers and duties. The Committee shall study issues with Vermont's  
10          landlord-tenant laws and current evictions process, including the following  
11          issues:

12           (1) whether Vermont's landlord-tenant laws require modernization;

13           (2) the impact of evictions policies on rental housing availability;

14           (3) whether current termination notice periods and evictions processing  
15          timelines reflect the appropriate balance between landlord and tenant interests;

16           (4) practical obstacles to the removal of unlawful occupants; and

17           (5) whether existing bases for termination are properly utilized,  
18          including specifically 9 V.S.A. § 4467(b)(2) (termination for criminal activity,  
19          illegal drug activity, or acts of violence).



1       (d) Assistance. For purposes of scheduling meetings and preparing  
2       recommended legislation, the Committee shall have the assistance of the  
3       Office of Legislative Operations and the Office of Legislative Counsel.

4       (e) Report. On or before December 15, 2024, the Committee shall report to  
5       the Senate Committee on Economic Development, Housing and General  
6       Affairs with its findings and any recommendations for legislative action, which  
7       may be in the form of proposed legislation.

8       (f) Meetings.

9           (1) The ranking member of the Senate shall call the first meeting of the  
10       Committee to occur on or before August 31, 2024.

11          (2) The Committee shall select a chair from among its members at the  
12       first meeting.

13          (3) A majority of the membership shall constitute a quorum.

14          (4) The Committee shall cease to exist upon submission of its findings  
15       and any recommendations for legislative action.

16       (g) Compensation and reimbursement.

17          (1) For attendance at meetings during adjournment of the General  
18       Assembly, a legislative member of the Committee serving in the member's  
19       capacity as a legislator shall be entitled to per diem compensation and  
20       reimbursement of expenses pursuant to 2 V.S.A. § 23 for not more than  
21       6 meetings.

1           (2) Other members of the Committee shall be entitled to per diem  
2           compensation and reimbursement of expenses as permitted under 32 V.S.A.  
3           § 1010 for not more than 6 meetings

4           (3) Payments to members of the Committee authorized under this  
5           subsection shall be made from monies appropriated to the General Assembly.

6                                   \* \* \* Effective Dates \* \* \*

7           Sec. 55. EFFECTIVE DATES

8           (a) This section shall take effect on passage.

9           (b) Sec. 26 (10 V.S.A. § 6081) shall take effect on October 1, 2025.

10           (c) Notwithstanding 1 V.S.A. § 214, Sec. 31 (medical expenses deduction)  
11           shall take effect retroactively on January 1, 2024 and shall apply to taxable  
12           years beginning on and after January 1, 2024.

13           (d) All other sections shall take effect on July 1, 2024.