

2/19/07

## **VPA LEGISLATIVE REPORT #7**

### **Committee agenda items of note this week:**

#### **HOUSE APPROPRIATIONS**

Thursday, February 22, 2007 - Public & Joint Hearings  
11:40 a.m.-12:00 noon **FY 2008 - Regional Planning Commissions**  
Peter Gregory

#### **HOUSE COMMERCE**

Thursday, February 22, 2007 and Friday, February 23, 2007  
11 Am and 1 Pm (both days) **H.248 - Telecommunications Authority**

#### **HOUSE FISH, WILDLIFE & WATER RESOURCES**

##### **H.70 – Small Hydro Bill: Committee Discussions**

Wednesday, February 21, 2007 1:00-3:00PM  
Lori Barg, Community Hydro (1:00PM)  
Department of Public Service  
VNRC

Friday, February 23, 2007  
10:15 AM (or 15min after floor) – noon

##### **H.296 & H.303: Wastewater Permitting**

Thursday, February 22, 2007 9 Am - noon  
Rep. Willem Jewett  
Jeff Wennberg, Commissioner, DEC  
Anne Whiteley, Associate General Counsel, DEC  
Christine Thompson, Dir. Wastewater Mgmt Division, DEC

#### **HOUSE GENERAL, HOUSING & MILITARY AFFAIRS**

##### **H.331 - Financing the Purchase of a Mobile Home**

Thursday, February 22, 2007 1:00 p.m.  
Rep. Bill Botzow, Sponsor  
John Hall, Commissioner, Dept. of Housing & Community Affairs (tentative)  
Erhard Mahnke, VT Affordable Housing Coalition

**HOUSE NATURAL RESOURCES & ENERGY**

**H.225: Renewable Resources**

**SENATE AGRICULTURE** *joint meeting with* **NATURAL RESOURCES & ENERGY COMMITTEE - Carbon Farming, power point presentation**

Thursday, February 22, 2007 10:30-11:30 AM *Senate Agriculture Committee*  
Abe Collins, Carbon Farmers of America

**SENATE ECONOMIC DEVELOPMENT, HOUSING & GENERAL AFFAIRS**

Friday, February 23, 2007 10:15 a.m.

**S.66 - Requiring A Community and Regional Impact Study of the Projected Effects of Large-Scale Retail Uses**

*Committee Discussion*

**SENATE FINANCE**

Tuesday, February 20, 2007 4:30 p.m

**Vermont's Energy Trilemma**

*The Committee will work until at least 6:00 p.m.*

Thursday, February 22, 2007 1:30 p.m.

**Energy: Efficiency Utility**

**Overview, Governance, Programs, Funding; Draft Legislation Review**

Ann Bishop, Utilities Analyst, Public Service Board

Blair Hamilton, Director, Efficiency Vermont

Sam Burr, Legislative Counsel

**SENATE NATURAL RESOURCES & ENERGY**

Wednesday, February 21, 2007 9:30 a.m

**S.94 - Energy Efficiency**

Richard Smith, Dep. Comm., Dept. of Public Service

Rep., Public Service Board

Andrea Cohen, Vt. Businesses for Social Responsibility

Rep. Steve Maier

Thursday, February 22, 2007 10:00 a.m.

**S.92 - Groundwater** Sen. Diane Snelling, Groundwater Study Committee

## **New Bills of Interest introduced this week:**

- H.309 AN ACT RELATING TO STORMWATER DISCHARGES TO STATE WATERS LISTED AS IMPAIRED BY SEDIMENT OR NUTRIENTS

Introduced by Representative Deen of Westminster. This bill proposes to require that discharges of stormwater to waters listed as impaired due to sediment or nutrients meet the requirements of the interim stormwater permitting program.

- S.92 AN ACT RELATING TO GROUNDWATER MAPPING

Introduced by Senator Snelling of Chittenden District, Senator Condos of Chittenden District, Senator Lyons of Chittenden District, Senator Starr of Essex-Orleans District and Senator White of Windham District. This bill proposes to require the agency of natural resources to map the groundwater resources of the state by county, beginning with Franklin County. (*See similar bill – H. 192*)

- S.94 AN ACT RELATING TO GREENHOUSE GAS REDUCTION, THE EFFICIENCY UTILITY, ASSESSING AN EFFICIENCY NEGA-RATE CHARGE ON HEATING FUELS, AND OTHER MATTERS RELATING TO BUILDING EFFICIENCY

Introduced by Senator Lyons of Chittenden District, Senator Cummings of Washington District and Senator Shumlin of Windham District

This bill proposes to expand the authority and the independence of the efficiency utility, and to authorize it to attain efficiencies from sources that are not related to the use of electricity. It proposes to allow the public service board to set the level of a fuel efficiency nega-rate upon heating oil and other heating fuels to finance the program. It requires a report on mortgages to support weatherization, a report with regard to how to create incentives for wise use of weatherization in residential uses, and a report on how best to coordinate the efforts of the efficiency utility with the low income weatherization program and the LIHEAP program.

30 V.S.A. § 201(c) is added to read:

(c) As used in this chapter, “nega-rate” means a prorated efficiency charge to be assessed by the [public service] board under section 203a of this title, at a rate established under that section, in order to finance a reduction in the generation of greenhouse gases from the use of fossil fuels for purposes of heating buildings, by assuring wider availability of weatherization and efficiency programs, and by encouraging the wise use of renewable energy resources.

- S.96 AN ACT RELATING TO IMPROVING POLLUTION CONTROL MEASURES FOR LAKE CHAMPLAIN

Introduced by Senator Lyons of Chittenden District, Senator Ayer of Addison District, Senator Bartlett of Lamoille District, Senator Condos of Chittenden District, Senator Flanagan of Chittenden District, Senator Giard of Addison District, Senator Hartwell of Bennington District, Senator Illuzzi of Essex-Orleans District, Senator MacDonald of Orange District, Senator McCormack of Windsor District, Senator Miller of Chittenden District, Senator Racine of Chittenden District, Senator Shumlin of Windham District, Senator Snelling of Chittenden District and Senator White of Windham District

This bill proposes to require the agency of natural resources to reopen the total maximum daily load plan for Lake Champlain as it relates to the waters of Vermont. The bill would also require that state assistance from funds appropriated to the agency of natural resources and the agency of agriculture, food and markets under the clean and clear action plan be allocated according to a priority order based on the need for phosphorus reduction. Financial incentives would also be provided for the implementation and operation of a stormwater utility. The bill would reduce the maximum standard for phosphorus discharged to Lake Champlain from 0.80 milligrams per liter to 0.20 milligrams per liter. In addition, the bill would delete the provision that municipalities are exempt from the phosphorus discharge standard unless they receive 100 percent of the project costs. The bill would also require the agency of transportation, after consultation with the agency of natural resources, to develop best management practices (BMPs) for the construction, repair, and maintenance of state and town highways. The BMPs would address activities which have a potential for causing pollutants to enter the groundwater and waters of the state, including stormwater runoff and direct discharges to state water. Towns would be required to comply with these BMPs in order to receive state funding for construction, maintenance, and repair of town highways. The bill would also require the secretary of administration to hire an independent environmental consultant to conduct a program audit of the efficacy of the clean and clear action plan, including an analysis of the state funds appropriated to the agency of natural resources and the agency of agriculture, food and markets under the clean and clear action plan.

*And a Mobile Homes trio:*

- H.330 AN ACT RELATING TO REPEAL OF THE LAW RELATING TO MUNICIPAL TRAILER PARK ORDINANCES

Introduced by Representatives Botzow of Pownal, Audette of S. Burlington, Bissonnette of Winooski, Bostic of St. Johnsbury, and others...

This bill proposes to repeal subchapter 9 of chapter 61 of Title 24 (§§ 2231–2233) which was enacted in 1957 to provide minimum safety and health standards for trailer parks. Fifty years later, this law is limited, vague, totally out of date and not in compliance with contemporary regulatory schemes such as those for wastewater and stormwater. This subchapter also fails to address issues that now are better addressed by municipalities through zoning bylaws, subdivision bylaws, and site plan review.

Subchapter 9 of chapter 61 of Title 24, relating to municipal ordinances for trailer parks, is repealed.

- H.331 AN ACT RELATING TO FINANCING THE PURCHASE OF A MOBILE HOME (SHORT FORM)

Introduced by Representatives Botzow of Pownal, Audette of S. Burlington, Bissonnette of Winooski, Bostic of St. Johnsbury, and others...

This bill proposes to amend relevant statutes to treat mobile homes as real property for the purpose of purchase financing.

- H.332 AN ACT RELATING TO SALE AND CLOSURE OF MOBILE HOME PARKS

Introduced by Representatives Botzow of Pownal, Audette of S. Burlington, Bissonnette of Winooski, Bostic of St. Johnsbury, and others...

This bill proposes to clarify how existing statutes are applied to sale and closure of mobile home parks.

Sec. 1. 10 V.S.A. § 6231 is amended to read:

§ 6231. RULES

\* \* \*

(b) ~~The department of housing and community affairs may adopt rules to carry out the provisions of sections 6236-6243 of this title into effect. The department shall seek advice and comment from the advisory commission prior to adopting rules.~~

(c) A mobile home park that has been closed pursuant to ~~subdivision 6237(a)(5)~~ 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.

Sec. 2. 10 V.S.A. § 6237(a)(5) is amended to read:

~~(5) A mobile home park owner shall give to each affected leaseholder and to the commissioner of the department of housing and community affairs notice by certified mail at least 18 months prior to any voluntary change in use of all or part of the park land or termination of the mobile home park that would result in the removal of any or all of the mobile home units. Upon request, the commissioner of housing and community affairs may waive the notice requirement if the change in use is necessary to assure the health, safety or welfare of the park residents. No eviction proceedings may be commenced during the 18 month notice period, except for nonpayment of rent.~~

Sec. 3. 10 V.S.A. § 6237a is added to read:

§ 6237a. MOBILE HOME PARK CLOSURES

(a) At least 18 months prior to the closure of a mobile home park or any mobile home lot that will result in the eviction of a resident or removal of a mobile home, a mobile home park owner shall give notice of the closure to each affected resident of the park and to the commissioner by certified mail. Upon request, the commissioner may waive some or all of the 18-month notice period if the closure is necessary to assure the health, safety, or welfare of park residents. No evictions may be commenced during the 18-month closure period except for nonpayment of rent or a substantial violation of the lease terms.

(b) A mobile home park owner shall not give notice of closure without first giving a notice of intent to sell in accordance with section 6242 of this title unless the mobile home park owner retains ownership of the land for at least five years after the closure is complete. Notice of the five-year restriction shall be recorded in the land records of the municipality in which the park is located. The park owner may apply to the commissioner for relief from this section if the commissioner determines that strict compliance is likely to cause undue hardship to the owners or the residents, or both.

(c) When a mobile home park owner gives notice of intent to sell pursuant to section 6242 of this title, any previous notice of closure and any evictions commenced pursuant to the closure notice are void.

(d) A mobile home 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 as required in subdivision 6242(a)(5) of this title; and

(2) If applicable, the commissioner has received notice from the residents and the park owner that negotiations have ended following the 90-day negotiation period provided in subdivision 6242(c)(1) of this title.

(e) A mobile home park owner who closes a mobile home park and within five years thereafter sells the land on which the park was located without providing notice of intent to sell pursuant to section 6242 of this title shall be liable to the state in the aggregate amount of \$10,000.00 or 50 percent of the gain realized by the owner from the sale, whichever is greater.

Sec. 4. 10 V.S.A. § 6242(f) is amended to read:

(f) No additional notice pursuant to subsection (a) of this section shall be required if the mobile home park owner completes a sale of the park within one year from the date of the notice at the price, terms, and conditions equal to those pursuant to which the park was offered for sale.

Sec. 5. 10 V.S.A. § 6247(a) is amended to read:

(a) A park owner may not retaliate by any of the following:

(1) By establishing or changing terms of a rental agreement ~~or by~~.

(2) By closing a mobile home lot or a mobile home park or threatening to do so.

(3) By bringing or threatening to bring an action against a resident who:

~~(1)~~(A) has complained to a governmental agency charged with responsibility for enforcement of a building, housing or health regulation of a violation applicable to the premises materially affecting health and safety;

~~(2)~~(B) has complained to the park owner of a violation of this chapter; or

~~(3)~~(C) has organized or become a member of a resident's association or similar organization.

Sec. 6. 10 V.S.A. § 6265 is amended to read:

§ 6265. CONDEMNATION AND RELOCATION OF RESIDENTS

(a) The owner of a lot or rented mobile home ~~which~~ that is condemned by a governmental agency due to the wilful failure or refusal of the owner to comply with any obligations imposed by law shall provide for reasonable relocation costs of affected residents. The affected residents shall have the right to recover the reasonable costs of relocation, including court costs and reasonable attorney fees. The agency of natural resources shall grant to the owner in a timely fashion all permits necessary to correct violations under this subchapter.

(b) The commissioner may require a mobile home park owner who commences a closure of a mobile home park pursuant to section 6237a of this title within one year of receiving notice of a violation of health, safety, or environmental laws or of section 6262 of this title to pay reasonable relocation costs to affected residents. If permitted by the commissioner, the affected residents may recover actual costs of relocation up to \$3,500.00 per resident, court costs, and reasonable attorney fees, in addition to any other remedies available.

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