

VPA LEGISLATIVE REPORT #7 – 2008

VPA Legislative Committee Members Assignments: Fred Dunnington (VT Legislative Liaison), Sharon Murray (NNECAPA Legislative Liaison) - - both of us are assigned to particularly follow bills on Housing / 'New Neighborhoods', Chapter 117 Technical Corrections, and Planning Coordination, Sarah Hadd (Prime Ag bills), Scott Gustin (Riparian buffer bill), Greg Brown ('New' Neighborhoods), Brian Shupe and Mike Munson (Growth Centers, 'New' neighborhoods, impact fees), Deb Sachs (Energy and Climate Change), Peg Elmer (Planning Coordination and Chapter 117 Technical Corrections) and Lani Ravin (stormwater legislation).

New Bills of Note - ALERT!

H.863 AN ACT RELATING TO CREATION AND PRESERVATION OF AFFORDABLE HOUSING AND SMART GROWTH DEVELOPMENT

<http://www.leg.state.vt.us/docs/legdoc.cfm?URL=/docs/2008/bills/intro/H-863.htm>

Introduced by Committee on General, Housing and Military Affairs

Statement of purpose: This bill proposes to stimulate the creation and preservation of affordable housing in Vermont. Specifically, the bill proposes to:

(1) Implement a **Vermont Neighborhoods** initiative designed to help meet the need for more moderately priced housing; support economic development by providing more housing for Vermont's workforce; strengthen the social and economic vitality of our communities and Vermont's social and economic centers; improve the public infrastructure and facilities that support housing; and stimulate development that does not cause or contribute to sprawl.

(2) Revise Act 250 to clarify:

(a) Criterion 9L (~~rural growth areas~~) [*'clarified' by enacting an entirely new section entitled Smart Growth*] including context-sensitive development standards that will facilitate compact, smart growth development in existing and planned community centers, and conservation project design in rural settings.

(b) Criterion 5 by ensuring that planning for proposed development projects includes consideration of the full range of transportation impacts and needs of the project in order to ease the burden of high transportation costs borne by Vermont residents.

(3) Create a Vermont land bank program that makes land available for construction of new moderately priced housing to be built adjacent to and of comparable density and affordability to existing housing development that is in or contiguous to designated downtowns, villages, or new town centers.

(4) Remove the sunset date of July 1, 2008 for the provision that allows the Vermont housing finance agency to finance residential housing projects with a lower threshold (20 percent) for lower and moderate income occupants.

(5) Increase the amount of money available to the VHFA for affordable housing tax credits, reduce or eliminate the property transfer tax on the purchase price of certain primary residences, and provide other tax incentives for the creation of affordable housing.

(6) Establish a state rental housing task force to collect data on residential rental units in the state; define habitability and safety standards for residential rental units; develop training standards for licensed rental housing inspectors, develop procedures for inspections, enforcement, and compliance; perform other duties for the preservation of affordable housing in the state; and report annually to the legislative committees of jurisdiction on or before January 15.

(7) Establish a rental housing safety and habitability fund, direct the department of public safety to establish a rental housing registry, health and safety standards for rental housing, and a rental housing safety inspection program.

On The Tuesday February 19, 2008 Senate Notice Calendar:

S.209 VT Energy Efficiency and Affordability Act

<http://www.leg.state.vt.us/docs/legdoc.cfm?URL=/docs/2008/calendar/sc080219.htm>

Wednesday is VLCT Local Government Day!

COMMITTEE AGENDAS – of note –

HOUSE APPROPRIATIONS

Tuesday, February 19, 2008

10:00-10:30 a.m. **FY 2009 budget - Natural Resources Board**

Michael Zahner, Executive Director

10:30-11:00 a.m. **Regional Planning Commissions**

Peter Gregory, Executive Director, Two Rivers-Ottawaquechee Regional Commission

HOUSE FISH, WILDLIFE & WATER RESOURCES

Tuesday, February 19, 2008

- 10:00AM **Floor**
11:00AM **H.806 Relating to Public Water Systems**
 or 15min. after Floor; VOTE
1:00PM **Caucus**
2:30PM **H.549 Establishing Waterfront Buffer Zones**
 VOTE

Wednesday, February 20, 2008

- 8:30AM **Lake Champlain Water Quality Issues**
 VTCAC 2008 L. Champ. Action Plan
 Michaela Stickney, Program Coordinator, Lake Champlain Basin Program
9:00AM **Lake Champlain Water Quality Issues**
 TMDL Report
 Commissioner Laura Pelosi, VT Dept. of Environmental Conservation
 Julie Moore, Director, Center for Clean and Clear, VT ANR (9:30AM)
 Warren Coleman, Counsel, VT ANR (10:00AM)
 Dr. Mary Watzin, Director, University of Vermont Rubenstein Ecosystem Science
 Laboratory (11:00AM)
1:00PM **Floor**
2:00PM **Lake Champlain Water Quality Issues**
 TMDL
 Bill Bartlett, Private Consultant (3:00PM)

Thursday, February 21, 2008

- 8:30-10:30AM **Joint Meeting-with Senate Comm. on Natural Resources and Energy**
 Performance Audit Of Vermont Clean And Clear-Room 11
 Ken Jones, Project Director, Audit Team
 Dave Braun, Audit Team
 David Healy, Audit Team
 Don Meals, Audit Team
11:30AM **Clean and Clear Action Plan**
 ANR report
 Warren Coleman, Counsel, VT ANR
1:00PM **Floor**
2:00PM **Clean and Clear Action Plan**
 ANR report
 Commissioner Laura Pelosi, VT Dept. of Env. Conservation
 Julie Moore, Director, Center for Clean and Clear, ANR
 Warren Coleman, Counsel, VT ANR

Friday, February 22, 2008

- 9:30AM **Floor**
11:00AM **Committee Discussion**
 TMDL/Clean & Clear/H.801/H.707/Intervale
1:00PM **Committee Discussion**
 TMDL/Clean & Clear/H.801/H.707/Intervale

HOUSE NATURAL RESOURCES & ENERGY

Tuesday, February 19, 2008

9:30AM **H.863 Creation And Preservation Of Affordable Housing And Smart Growth Development**
Molly Dugan, Dep. Commissioner, VT DHCA

10:00AM **Floor**

10:30AM **H.863**
Michael Zahner, Natural Resources Board

1:00PM **Caucus**

2:30PM **H.863**
Steve Holmes, Program Director, Sustainable Communities, VNRC
Brian Shupe, Program Director, Smart Growth Vermont

Wednesday, February 20, 2008

9:00AM **Lake Champlain Water Quality**
VTCAC 2008 Lake Champlain Action Plan
Michaela Stickney, Program Coordinator, Lake Champlain Basin Program

9:30AM **H.863**
Andy Broderick, President, Housing Vermont
Al Boright, Legislative Counsel (10:30AM)

11:00AM **Joint Meeting with Senate Comm. on Natural Resources and Energy**
Discussion with Sen. Sanders

1:00PM **Floor**

2:00PM **H.863**
Al Boright, Legislative Counsel
Molly Dugan, Dep. Commissioner, VT DHCA
Brian Shupe, Program Director, Smart Growth Vermont

Wednesday, February 20, 2008 - Public & Joint Hearings

7:00PM- **Joint Public Hearing: The Future of Fuel Costs in Vermont**
8:30PM *Jointly hosted by: House Committee on Natural Resources and Energy, House Comm. on Ways and Means, and House Comm. on Commerce*
Gary Flomenhoft, Faculty and Research Associate, Gund Institute, UVM
Matt Cota, Exec. Director, VT Fuel Dealers Assoc.
Dave Lamont, Power Supply Planner, Dept. of Public Service

For information, call: 802-828-3559

Thursday, February 21, 2008

1:00PM **Floor**

10:00AM **H.863**
Catherine Dimitruk, Exec. Director, Northwest Regional Planning Commission

9:00AM **TBA**

2:00PM **TBA**

Friday, February 22, 2008

9:30AM **Floor**

10:30AM **TBA**

1:00PM **TBA**

HOUSE WAYS & MEANS

Tuesday, February 19, 2008

After 2:45 pm **Members' Bills Introduction**

After **H.558, Waste Facility Franchise Tax Exemption for Mining Waste**

After **H.667, Electric Generating Facility Kilowatt Hour Tax**

After **H.566, Registering with the Selective Service System Through Motor Vehicle Permit & License Applications**

After **H.751, Volunteer Fire & Rescue Workers' Tax Credit**

After **H.567, Carbon-Fiber Bicycle Sales Tax Exemption**

After **H.573, Tax Reduction for Unposted Current Use Land**

After **H.604, Exempting Biodiesel Fuel Produced by an Individual for Personal Use from the Motor Fuel Tax**

After **H.633, Property Tax Exemption for Homeowner Alternative Energy Improvements**

After **H.683, Sales Tax Exemption for Lettering of Grave Markers**

After **H.695, Payment of Act 250 Fees Rep Adams, Sponsor**

After **H.698, Establishing a Uniform Fee-Setting Procedure for Development Review**

After **H.731, Exempting Municipalities from the Discharge Permits & Water Supply Permits**

Wednesday, February 20, 2008

8:30 am **Education Adjusted Gross Income Tax Bill, (Vote)**

11:00 am **Public Hearing: Kitchen Sink: Tell us What you Think**
Local Government Day, Room 10

After **Members' Bills Introduction, (Contd)**

3:30 pm **Vt Economic Growth Incentives Fred Kenney, Exec Dir, Vt Economic Progress Council**

7:00 pm **Public Hearing, Fuel Costs in Vermont**
Joint with H. Natural Resources & Energy & H. Commerce Committees, Room 11

Friday, February 22, 2008

1:00 pm **H.863, Comprehensive Housing Bill (Update or Report)**

SENATE NATURAL RESOURCES & ENERGY

Tuesday, February 19, 2008

10:00 a.m. **FLOOR**

10:30 a.m. **S.311 - Current Use - final review, whenever the Committee is off the floor**

11:30 a.m. **S.350 - Energy Bill 2 - mark-up**

Wednesday, February 20, 2008

8:30 a.m. **S.350 - Energy Bill 2 - mark-up**

10:05 a.m. **BREAK**

10:15 a.m. **Lake Champlain Citizens Advisory Committee**
Members of the CAC

10:50 a.m. **Break to go to Well of House**

11:00-12:00 p.m. **Federal Legislation - Well of House - Joint with the House Natural Resources and Energy Committee**
Sen. Bernard Sanders, U.S. Senate

Thursday, February 21, 2008

8:30 - 10:20 a.m. **Clean and Clear Audit Report - ROOM 11 - Joint with House Fish, Wildlife & Water Resources Comm.**

Ken Jones, Project Director
Dave Braun, Stormwater
Don Meals, Agriculture
David Healy, Modeling

10:20 a.m. **BREAK**

10:30 a.m. **Joint Assembly for the Election of Trustees to Vermont State Colleges**

11:30 a.m. **FLOOR**

5:15-7:30 p.m. **S.350 - Energy Bill 2 - Room 8**

Friday, February 22, 2008

9:00 a.m. **S.350 - Energy Bill 2 - mark-up**

10:00 a.m. **S.350 - Energy Bill 2 - testimony**

Richard Cowart, Regulatory Assistance Project

10:30 a.m. **BREAK**

10:40 a.m. **S.350 - Energy Bill 2 - mark-up**

11:30 a.m. **FLOOR**

SENATE TRANSPORTATION

Tuesday, February 19, 2008

Wednesday, February 20, 2008

10:00 a.m. **Local Government Day**
Room 11

Thursday, February 21, 2008

9:00 a.m. **Change of Use – VTRANS permitting of land use changes**

Peter Gregory, Regional Planning

9:45 a.m. **TBA**

Links to VPA's bills of interest:

S.267 Potential traffic impact - notice to potential interested parties

<http://www.leg.state.vt.us/docs/legdoc.cfm?URL=/docs/2008/bills/intro/S-267.htm>

S.268 – Act 250 Criterion 9B

<http://www.leg.state.vt.us/docs/legdoc.cfm?URL=/docs/2008/bills/intro/S-268.htm>

S.287 -State planning coordination bill

<http://www.leg.state.vt.us/docs/legdoc.cfm?URL=/docs/2008/bills/intro/S-287.htm>

S.300 - Conservation; Act 250; smart growth principles and state funding

<http://www.leg.state.vt.us/docs/legdoc.cfm?URL=/docs/2008/bills/intro/S-300.htm>

S.304 Groundwater protection; groundwater withdrawal
<http://www.leg.state.vt.us/docs/legdoc.cfm?URL=/docs/2008/bills/intro/S-304.HTM>

S.317 – Chapter 117 Technical Corrections
<http://www.leg.state.vt.us/docs/legdoc.cfm?URL=/docs/2008/bills/intro/S-317.htm>

S.325 – TIF (Tax Increment Financing) technical corrections bill
<http://www.leg.state.vt.us/docs/legdoc.cfm?URL=/docs/2008/bills/intro/S-325.htm>

H. 561 - tourism directional / off premises business signs
<http://www.leg.state.vt.us/docs/legdoc.cfm?URL=/docs/2008/bills/intro/H-561.HTM>

H.594 - Chapter 117 interested person status; conservation commission
<http://www.leg.state.vt.us/docs/legdoc.cfm?URL=/docs/2008/bills/intro/H-594.htm>

H.669 Downtown Program designation renewals 3yrs to 5yrs
<http://www.leg.state.vt.us/docs/legdoc.cfm?URL=/docs/2008/bills/intro/H-669.htm>

H.694 AN ACT RELATING TO ALLOWING MUNICIPAL DEVELOPMENT REVIEW DECISIONS TO BE MADE BY MAJORITY VOTE, A QUORUM BEING PRESENT
<http://www.leg.state.vt.us/docs/legdoc.cfm?URL=/docs/2008/bills/intro/H-694.htm>

H.696 AN ACT RELATING TO GIVING ACT 250 APPLICANTS THE OPTION OF ON-THE-RECORD REVIEW
<http://www.leg.state.vt.us/docs/legdoc.cfm?URL=/docs/2008/bills/intro/H-696.htm>

H.697 AN ACT RELATING TO REQUIRING THAT JUDICIAL REVIEW OF PLANNING AND ZONING CHAPTER DECISIONS IN TOWNS OF MORE THAN 5,000 PERSONS BE CONDUCTED ON THE RECORD
<http://www.leg.state.vt.us/docs/legdoc.cfm?URL=/docs/2008/bills/intro/H-697.htm>

H.698 AN ACT RELATING TO ESTABLISHING A UNIFORM FEE-SETTING PROCEDURE FOR DEVELOPMENT REVIEW
<http://www.leg.state.vt.us/docs/legdoc.cfm?URL=/docs/2008/bills/intro/H-698.htm>

H.722 24 V.S.A. § 4454 ENFORCEMENT; LIMITATIONS - actions involving “curb cut” and other permits for working within a town highway right-of-way limited to a 15-year statute of limitations.
<http://www.leg.state.vt.us/docs/legdoc.cfm?URL=/docs/2008/bills/intro/H-722.htm>

H.703 AN ACT RELATING TO AMENDING ACT 250 TO AUTHORIZE AN APPLICANT TO MITIGATE THE LOSS OF CERTAIN NECESSARY WILDLIFE HABITAT
<http://www.leg.state.vt.us/docs/legdoc.cfm?URL=/docs/2008/bills/intro/H-703.htm>

H.801 AN ACT RELATING TO STORMWATER MANAGEMENT
<http://www.leg.state.vt.us/docs/legdoc.cfm?URL=/docs/2008/bills/intro/H-801.htm>

H.792 AN ACT RELATING TO THE ADOPTION OF MUNICIPAL BYLAWS
<http://www.leg.state.vt.us/docs/legdoc.cfm?URL=/docs/2008/bills/intro/H-792.htm>

H.821 AN ACT RELATING TO TAX INCENTIVE FINANCING OF PUBLIC TRANSPORTATION
<http://www.leg.state.vt.us/docs/legdoc.cfm?URL=/docs/2008/bills/intro/H-821.htm>

H.841 AN ACT RELATING TO A CONCIERGE BUSINESS ASSISTANCE SERVICE
<http://www.leg.state.vt.us/docs/legdoc.cfm?URL=/docs/2008/bills/intro/H-841.htm>

H.828 AN ACT RELATING TO INCREASING THE SUPPLY OF HOUSING THAT WILL BE PERMANENTLY AFFORDABLE TO LOW INCOME VERMONTERS (statewide 20% inclusionary zoning) SHORT FORM

Fred S. Dunnington fdunnington@town.middlebury.vt.us

VPA legislative Liaison
(802)388-8106