

2023 Weekly Legislative Report #12

The State House is spinning this week. While committees struggle to address some of the issues raised by their colleagues before bills are voted on by their whole chamber, amendments to bills that were voted out of committee last week are flying around. Several times this week we have heard, “You can fix it when it gets to the other chamber. We don’t have time.” Truth be told, it is a bit tricky to keep track of it all – for either your advocacy staff or for legislators.

Expand All

[Introduction to This Legislative Report](#)

Despite “Crossover” being in the rearview mirror, many legislators and committee chairs who are new or new to legislating in person (versus the COVID Zoom years, when many of them were first elected) are still figuring out the politics of the State House. Those politics are frequently quite a bit different from the politics outside the State House walls, and satisfying both can be a tightrope act. The evidence is in much of the negotiating over bills and determining how much “tweaking” can be accommodated without anyone losing face.

Thus, again this week, your legislative report contains mostly updates on bills that were voted out of committee last week. Several of them would affect cities, towns, and villages. As the action continues, please be aware that what might have been the version last week could be subject to significant change this week or next, and certainly when bills move to the other chamber.

Our main message? Take nothing for granted this legislative session. No subject is finally laid to rest until the gavel falls to close the session in May. In the meantime, keep up with the legislative reports and, as always, let us know if you have comments, advice, or complaints. You can reach us at khorn@vlct.org and gzakov@vlct.org.

[Housing – More Amendments](#)

We expect the Senate to take up S.100 on the floor on Tuesday, 3/28. Below please find the background to that debate.

Please contact your senators this weekend and ask them to support Senator Chittenden's amendment to allow construction of 25 units without triggering Act 250 jurisdiction in towns with adopted zoning and subdivision bylaws.

Discussion around the no-longer-omnibus housing bill, S.100, swirled this week as the Senate Natural Resources and Energy Committee revisited their amendment from last week; the Senate Economic Development, Housing and General Affairs Committee considered that amendment and the option of their offering a further amendment; and Governor Scott's press conference on Tuesday focused on housing. Governor Scott expressed his disappointment in the Senate Natural Resources and Energy Committee amendment to S.100, and he thanked the Senate Economic Development, Housing and General Affairs Committee for crafting a compromise bill that would ease the permitting process for housing.

The second featured speaker at that press conference was VLCT's Ted Brady. He focused on the efforts at the local level to spur housing development, including some towns that have purchased and set aside land for housing or established local housing trusts. "S.100 ignores the largest obstacle to housing in Vermont, and that is Act 250." He emphasized that the bill in the wake of the Senate Natural Resources and Energy Committee is no longer a balanced compromise that addresses the impediments to housing development at both the state and local levels.

On Friday, Senator Chittenden unveiled an amendment in the Senate Natural Resources and Energy Committee and the Senate Appropriations Committee that would address VLCT's opposition to the Senate Natural Resources and Energy Committee amendment. It would provide for construction of 25 or more units to be exempt from Act 250 in towns with zoning and subdivision in place.

The day before, the Senate Natural Resources and Energy Committee proposed a new amendment. It would allow a municipality to apply for a Master Permit from Act 250 for a designated downtown or neighborhood development area. Your VLCT staff testified that a Master Permit application could be allowed, but local officials who have secured those designations for their downtowns or neighborhood development areas likely believe they have already done that work, and the master permit would be an additional layer of time-consuming

review that might not be used.

The amendment continues to include a provision that until July 1, 2026, the construction of housing projects 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, 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” would be exempt from Act 250. Likewise, construction of a priority housing project “located entirely within a designated downtown development district or a designated growth center” would be exempt until July 1, 2026.

The obvious concern is that a project might not be completed at the conclusion of the three years. To address that eventuality, the Senate Natural Resources and Energy Committee amendment would require the developer of the proposed 25 units or priority housing project to apply to Act 250 for a jurisdictional opinion, which “shall require that the project be substantially complete by June 30, 2029 in order to remain exempt.” The proposed projects would be exempt from Act 250 – but would still be required to apply for the jurisdictional opinion – so maybe not really exempt.

As reported last week, a designated village center could apply to the state Downtown Board for an enhanced designation if the village center had adopted zoning and subdivision bylaws; municipal sewer, a community or alternative wastewater system, or a public community water system; and adequate municipal staff to support coordinated comprehensive and capital planning, development review, and zoning administration. If enhanced designation was secured, until July 1, 2026, an Act 250 permit would not be required for a priority housing project with 50 or fewer units in the designated village center. Of course, the Downtown Board would need to devise an application process for enhanced designation, and the municipality would need to apply for that enhancement, both of which are time consuming endeavors not likely to be completed the day after tomorrow.

As proposed for amendment by the Senate Natural Resources Committee, S.100 is no longer a bill to ease the housing development process. Rather, it would tie municipalities in knots trying to navigate levels for review for their designated areas, and it would provide little in the way of certainty or relief in the Act 250 or wastewater and water supply permitting process.

However, readers should remember that Sections 30-43 of the bill appropriate funds to these housing programs:

Program	Amount	Fund in/to
Eviction Rescue Funding	\$2.5 million	\$2.5 million General Fund
Home Share Opportunities	\$200,000	General Fund to DHCD
Improvements, legal assistance, and park infrastructure for mobile homes	\$500,000	General Fund to DHCD
Missing Middle Home Ownership	\$20 million	General Fund to VHFA
Rental Housing Revolving Loan Fund	\$20 million	General Fund to VHFA
Rental Housing Improvement	\$20 million	to DHCD
New Housing	\$25 million	to VHCB

DHCD = [Vermont Department of Housing and Community Development](#)

VHCB = [Vermont Housing & Conservation Board](#)

Resources for this article:

- [Governor’s Press Conference March 21, 2023](#)
- [Senate Natural Resources and Energy Amendment](#)
- [Ted Brady’s 3/21/23 Statement on Housing](#)

[Open Meeting Law and Remote Meetings](#)

The Senate Government Operations Committee took testimony on [S.55](#), a bill VLCT supports that would make remote meetings a permanent option under the Open Meeting Law. Currently public bodies are able to meet remotely only under the [temporary authority](#) that will sunset on July 1, 2024. Making remote meetings a permanent option is one of the top legislative priorities of VLCT member cities and towns is to allow for increased participation and flexibility via remote access for not only municipal volunteers and officials but also the public. A fear expressed by some people is that some public bodies will only meet remotely if the option is available. VLCT is open to putting parameters around the use of remote meetings to find a balance between in-person and fully remote meetings. However, VLCT does not support the proposal to mandate hybrid meetings for all meetings of public bodies. Many municipalities and smaller boards and committees lack the space, resources, funding, technological expertise, or broadband capacity to run every meeting both in-person and via ZOOM or similar means.

Although the bill did not meet crossover this year, the committee chair expressed interest in moving the bill forward so the House Government Operations and Military Affairs Committee could consider the bill this year in preparation for next year. **The chair is interested in hearing from public bodies, including those at the municipal level, that support amending the Open Meeting Law to allow for fully remote meetings.** Please contact Gwynn Zakov at gzakov@vlct.org if you or someone in your town or city is interested testifying in support of S.55.

[Statewide Reappraisal System](#)

H.480, a bill to move responsibility for appraising and reappraising property from the local level to the state, was voted out of the House Ways and Means Committee last week and was amended in the House Appropriations Committee on Thursday.

As introduced, [H.480, An act relating to property valuation and review](#), sought to address:

- the trigger of the common level of appraisal resulting in a town being ordered to reappraise its properties,
- the sheer number of local governments currently or about to be ordered to reappraise as a result of increasing property values (165 of 254 municipalities), and

- the difficulty of securing appraisal firms to do that work.

VLCT, members of the Vermont Assessors and Listers Association, and the Vermont Department of Taxes approached the House Ways and Means Committee with a suggestion to put towns on a regular schedule for reappraisals – as happens in much of the country – and eliminate the random nature of the CLA trigger to reappraise.

H.480 goes much further than that. As introduced by the House Ways and Means Committee, the bill includes a provision moving the responsibility of contracting for and conducting property reappraisals away from municipalities and to the Department of Taxes division of Property Valuation and Review (PVR) in 2025.??

The bill as introduced includes elements that both VLCT and the Vermont Department of Taxes support. However, the introduced bill would impose a statutory requirement that PVR assume responsibility for property reappraisals before the Department has had the opportunity to study and report back to the legislature about how such a significant transition would affect either PVR or the municipalities. That provision is putting the cart before the horse.

The House Appropriations Committee recognized that to yank reappraisals from local governments and establish an obligation for the Department of Taxes to conduct statewide reappraisals before studies assess the potential effects is premature. The committee adopted an amendment that would push out for one year a requirement that the department implement a statewide reappraisal system. It would also delay the following for one year:

- repeal of the requirement for municipalities to conduct reappraisals,
- repeal of the \$8.50 per parcel fee for reappraisal and maintenance of the grand list, and
- increasing the \$1 per parcel fee to \$2 paid to each town for maintenance of the grand list.

Both VLCT and the Department of Taxes support:

- Repeal of the CLA trigger for PVR reappraisal orders based on the 2022 grand list and beyond; retaining the COD trigger (i.e. when a municipality's Coefficient of Dispersion is greater than 20).?
- VDT studying and reporting to the legislature on the topic of?transitioning reappraisals to PVR, modernizing grand list categories, and other topics.
- Reappraisals conducted on a regular schedule.?

H.480 will likely be on the House floor Friday or Tuesday and then be sent to the Senate for their consideration.

Resources for this article:

- [Joint Fiscal Office Fiscal Note on H. 480](#)
- [Property Valuation and Review Presentation on Reappraisals \(January 26\)](#)

[Investments in Vermont's Emergency Medical Services](#)

The House Health Care Committee took testimony on [H.263](#), a bill that would help struggling EMS services and providers across the state. VLCT Advocacy staff testified in favor of the bill on Wednesday and is excited to see interest in the State House to further invest in, and financially support, these critical services and the Vermonters who work and volunteer in those agencies.

The bill would create an Emergency Medical Services Special Fund (Fund) that would be used to defray the costs incurred by EMS providers. The bill includes a General Fund appropriation of \$20,000,000 meant to improve EMS services in the short term, while the State "works towards establishing a long-term statewide system of funding to provide this essential public service to all Vermonters."

The bill also addresses Vermont Medicaid funding for ambulance services without transportation and transportation to alternative destinations, and it mandates that Vermont Medicaid provide coverage for both. Currently, services rendered for non-transport or

transportation to non-hospital settings are ineligible for coverage, and EMS providers are unable to recoup the costs of services rendered.

The bill goes on to mandate that, in its 2024 budget proposal, the Department of Vermont Health Access either provide reimbursement rates for Medicaid participating EMS providers for emergency medical services at a rate equal to 100 percent of the Medicare rates for 2022, or provide information on the additional amounts that would be necessary to achieve full reimbursement parity for EMS with the Medicare rates.

The bill creates an EMS Coordination Study Committee to assess the current EMS District structure and the current level and cost of service in each district. The committee, made up of a variety of stakeholders and members of the public, would study ways to decrease costs, improve coordination of EMS services, increase access to EMS services in districts, and optimize the EMS District structure and authority.

Lastly, the bill would make qualified emergency responders eligible for a refundable income tax credit of \$500 a year. A qualified emergency responder includes emergency medical personnel, licensed first responders, and volunteer firefighters who are active members of their local volunteer firefighting company as certified by that company.

The bill did not meet the crossover deadline in time, and therefore the bill itself will not move forward this year. However, representatives in the House have expressed a desire to incorporate some provisions of the bill into another piece of legislation that is moving forward. Additionally, the current 2024 budget being considered by the House Appropriation Committee includes the \$100,000 for the EMS Coordination Study Committee, \$1,000,000 to fund EMS training initiatives, and increasing Medicaid reimbursement rates to 100%, which is very encouraging.

VLCT will continue to “follow the money” and advocate that the investments into EMS move forward this session and that other portions of H.263 move forward by incorporation on to other legislation that did meet the crossover deadline.

Resource for this article:

- [H.263 as introduced](#)

[Regional Dispatch](#)

The Senate Finance Committee took testimony from local officials and VLCT Advocacy staff on [S.139](#), a bill that would create a statewide regional dispatch oversight entity at the state level and implement a funding model that would require all towns and cities to pay for the ongoing costs of the system. VLCT Advocacy staff explained to the committee that the proposal would be a seismic shift in emergency communications statewide and would impose a cost shift to municipalities with an unknown price tag.

S.139 proposes the state E-911 Board be expanded and revamped to assume oversight over all dispatch operations across the state. All current and future dispatching agencies would be required to comply with rules and regulations created by the new Board and would not be authorized to operate unless they received Board approval. Every municipality would be required to be a member of a dispatching agency. By 2028 every municipality would pay a dispatch assessment to the Board that would help fund the operations of the Board and also be pooled for redistribution to dispatching agencies to fund dispatching operations.

VLCT testified that the funding formula in the bill is difficult to understand and the fees that cities and towns would pay to the state to fund the new regional system in future years is unclear. One can assume that the costs to towns and cities would be higher than at present because they would cover not only the dispatch centers but also the statewide oversight – the latter of which does not currently exist, and therefore isn't something the state or the local governments fund.

The Senate Finance Committee had concerns about the bill's funding model and did not vote the bill out of committee, therefore missing the crossover deadline. The chair of the committee said she may ask for special dispensation from Senate leadership to advance the bill despite it not meeting crossover, but it is unclear whether this will occur.

[Elsewhere In The State House](#)

S. 115 Miscellaneous Agriculture

Sections 8 and 9 of S.115 would exempt farms and silvicultural activities from paying stormwater fees that support municipal efforts to manage stormwater runoff from municipal

property and roads. The Agency of Agriculture strongly supports the exemption, while towns that have stormwater utilities or assess fees to property owners for municipal stormwater mitigation are concerned that such an exemption would end the “all in” approach to contributing to the very expensive mandated stormwater measures that towns must take on their road networks and properties.

On Friday, the Senate Natural Resources and Energy Committee considered an amendment to S.115 that would require a study to be submitted to the legislature by December 1, 2023, that would include recommendations regarding whether property (farms) subject to Required Agricultural Practices should be subject to regulation by a municipal stormwater utility or be required to pay an assessment or fee imposed by a municipal stormwater utility.

H222 Reducing Overdoses

[H.222](#) would require the Department of Health to establish and maintain programs for disposing of unused prescription drugs, needles, and syringes. Between July 1 and December 31 of 2023, the Department of Health and Blueprint for Health’s Accountable Communities for Health would facilitate regional meetings of stakeholders, including municipalities, regarding those disposal programs. The department would report to the legislature by January 15, 2024.

The bill would also include in the zoning statutes that a recovery residence serving not more than eight persons shall be considered by right to constitute a permitted single family residential use of property. Upon request of the VLCT, the House Human Services Committee included language stating:

recovery residence means a shared living residence supporting persons recovering from a substance use disorder that:

(i) Provides tenants with peer support and assistance accessing support services and community resources available to persons recovering from substance use disorders.

(ii) Is certified by an organization approved by the Department of Health and that is either a Vermont affiliate of the National Alliance for Recovery Residences or another approved organization or is pending such certification. If certification is pending beyond 45 days, the municipality shall retain its right to consider the residence pursuant to zoning bylaws adopted

in compliance with 24 V.S.A. §24411.

S.60 Local Option Tax?

Last week we reported that the Senate Finance Committee unanimously voted out S.60, a bill that would grant general authority to municipalities to adopt a one percent local option tax on sales, meals and alcoholic beverages, or room upon a majority vote of the registered voters of the town. The requirement to thereafter seek approval from the legislature would be eliminated. As the Senate Finance Committee chair had been informed that the Senate Government Operations Committee did not have time to take it up, an amendment was added to the bill that would establish a charter for the Town of South Hero and bless the vote that town took at Town Meeting 2022 to establish a local option tax on meals and alcoholic beverages.

This week, the chair of the Senate Government Operations Committee asked that consideration of the bill by the whole Senate be delayed for one week until March 29. We are not sure of the reason for that request.

[New Bills of Interest to Municipalities](#)

Number	Summary	Current Location
H.477	Would increase marriage license fees to \$75 with \$60 to the Domestic and Sexual Violence Special Fund	H. Ways and Means
H.479	Transportation Capital Bill	H. Ways and Means
H.480	Would establish a statewide Reappraisal Office, require studies of the appraisal system and property valuation categories	H. Appropriations
H.482	Revises law enforcement training requirements; extends timeframe for Criminal Justice Training Council to develop alternate routes to law enforcement certification.	House Calendar

Number Summary

Current Location

H.484	Would both fund and enhance workforce education and economic development opportunities.	H. Appropriations
H.486	Would pause indoor air quality testing for polychlorinated biphenyls at schools until after a report from a newly created Taskforce on school construction aid is submitted by January 15, 2024.	H. Ways and Means
H.488	Charter amendment for the Town of Ludlow	H. Government Operations and Military Affairs
H.489	Charter amendment for Town of Shelburne	H. Government Operations and Military Affairs
H.490	Approve merger of Village of Lyndonville and Town of Lyndon, and charter for Town of Lyndon	H. Government Operations and Military Affairs
S.139	Would create Public Safety and Communications Board to succeed Enhanced 911 Board to include development, implementation, funding and supervision of required regional public safety dispatch services.	S. Finance

[Join Us for the Next Advocacy Chat!](#)

The next Advocacy Chat is Monday, March 20 at 11 AM.

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