

# Statement from Ted Brady about Housing and S.100 on 3/21/23

April 12, 2023



Wednesday, March 22, 2023

## **Statement of Ted Brady**

**Executive Director, VLCT**

**At Governor Scott's 03/21/2023 Press Conference on S.100**

Local officials are on the front lines of Vermont's housing crisis and are eager to partner to create more housing. Municipal officials are responding to a record number of emergency calls at hotels filled with the housing insecure. They are re-evaluating zoning laws to facilitate housing development, and they are partnering with developers to create innovative housing solutions.

Cities and towns will continue to play a role in addressing the housing crisis. But we can't do it without the state. Unfortunately, S.100 – as currently drafted – ignores the largest obstacle to housing development in Vermont: Act 250.

Cities like Burlington, South Burlington, and Winooski have implemented nearly every zoning reform recommended in S.100 – yet developers still run into trouble with Act 250. Vermont has about 40 communities that have no zoning – yet no housing is being built in them. And nearly 100 communities have used municipal planning grants to update their zoning bylaws, including implementing recommendations in the state’s “Zoning for Great Neighborhoods” guide, some of which mirror the pre-emptions included in S.100. Cities and towns are making zoning changes to facilitate growth and be more inclusive. But year after year the state passes the buck on Act 250 – by *studying* it.

Most of S.100 dismantles the work local planning commissions have done to determine where the natural environment and the historic settlement patterns of a community can and should allow for more growth. S.100 eliminates single family zoning in Vermont – which would become one of the only states in the country to do so. It requires five units of housing per acre anywhere sewers and water are present – regardless of a community’s system capacity. It eliminates a community’s ability to weigh in on where a homeless shelter can be built, regardless of whether the community provides services such as transit, water and sewer, police, fire, or rescue. It allows builders to build higher than current zoning laws allow – regardless of a community’s firefighting equipment or historical design. It eliminates a town’s ability to regulate how much parking is required per unit – even in densely populated areas where snow removal might be a problem with on-street parking, or where public transit is non-existent. It proposes to do all these things without one study. Yet we continue to study the impact of minor changes to Act 250.

VLCT has been working with legislators to make these pre-emptions palatable to Vermont’s 247 cities and towns. In any other circumstance, VLCT would be vigorously fighting against these pre-emptions. But our members have told us housing is their number one concern – so we’re at the table, trying to find a compromise that works for Vermonters. That compromise must include Act 250.

**The Vermont League of Cities and Towns encourages legislators to restore or re-imagine provisions in S.100 that:**

- Eliminate Act 250 jurisdiction in designated areas. Just a few years ago, this was a consensus talking point from environmental advocates and developers. We want to facilitate growth where we want growth.

- Increase the number of units that can be built to 24 before Act 250 is triggered. Most Vermonters don't know that Act 250 is triggered when someone builds 10 houses in five years, within five miles. Why? What's magical about 10? Why five years? Why five miles? Every unit of new housing cannot be built in the 41 square miles that constitute our designated centers.
- Eliminate the ability of "any ten people" to appeal a zoning permit. When a town democratically determines that housing can be built somewhere, there is no need to allow someone to appeal a development that meets the town's zoning criteria.
- Reduce appeals based on character. Character appeals invite discrimination for no other reason than a development is different, or the people that will live in it are different.
- Delegate Act 250 review to municipalities with robust planning and zoning capabilities. Municipal planning and zoning has grown leaps and bounds since Act 250 was first created. Some towns' planning and zoning processes already consider every element of Act 250, so why have duplicative permitting processes that increase costs and slow projects? Mayor Weinberger as well as planning directors in South Burlington and Winooski recently proposed a meaningful municipal delegation of Act 250 that would both protect the environment and facilitate growth where we want it – in our population centers.

Finally, what is the number one way to build housing in Vermont? Build water and wastewater systems and make connecting to them easier. S.100 as originally passed by the Senate Economic Development Committee eliminated the need to apply to both a town and the state to connect to a system. This needs to be reinstated.

Every legislator campaigned with the promise to address the catastrophic lack of housing in Vermont, a crisis that affects every aspect of the economy. The Senate Economic Development, Housing and General Affairs Committee took that charge seriously when it voted out S.100. VLCT is at the table and willing to compromise on local control, if, and only if, the state is willing to make changes to Act 250 that make it easier to develop housing in our downtowns, village centers, and historic settlement areas. And today Governor Scott expressed his opinion, saying "I stand with VLCT on this issue."