

UPDATED 4/19 Legislative Alert: Municipal Zoning Preemptions added to Act 250 Bill

April 17, 2024



The Senate Committee on Natural Resources and Energy added the below list of municipal zoning preemptions to their Act 250 bill – [H.687](#), including:

- More than doubling the density requirement from five to 12 units per acre where there is water and sewer;
- Reducing municipalities' ability to have input on how hotels and motels are converted to permanently affordable housing; and
- Requiring municipalities to recognize tandem parking as multiple parking spaces;

These provisions were originally included in S.311, which [VLCT has testified on multiple times](#). Thank you to those of you who reached out to members of the Senate Natural Resources Committee to ask them to reconsider including these provisions in that bill. Unfortunately, the committee voted unanimously to include them. The [Senate Committee on Economic](#)

[Development, Housing and General Affairs](#) will likely discuss the bill next week, where **your input could be pivotal**. In addition to the municipal zoning preemptions listed above, the committee is considering eliminating a municipality's ability to opt out of being exempted from Act 250. Specifically, the committee is considering removing a portion of Section 33 of the bill that allows municipalities to opt out of "Tier 1B" status – which would exempt up to 50 units of housing from Act 250 in certain communities deemed appropriate for growth by regional plans. If the committee acts on this idea, they will essentially force a new land use status with development incentives on municipalities regardless of their support for it.

We know many municipalities support increased housing development and affordability. We also know municipalities have varying opinions on density and the proposed municipal zoning preemptions being considered. **Whether you agree that local input on these decisions is appropriate or not, NOW is the time to be heard.**

Please contact your senators, especially members of the [Senate Committee on Economic Development, Housing and General Affairs](#) and the [Senate Committee on Natural Resources and Energy](#), and ask that your voices be heard.

Senator Kesha Ram Hinsdale (Chittenden County): kramhinsdale@leg.state.vt.us

Senator Alison Clarkson (Windsor County): AClarkson@leg.state.vt.us

Senator Randy Brock (Franklin County): rbrock@leg.state.vt.us

Senator Ann Cummings (Washington County): acummings@leg.state.vt.us

Senator Wendy Harrison (Windham County): wharrison@leg.state.vt.us

Senator Christopher Bray (Addison County): cbray@leg.state.vt.us

Senator Anne Watson (Washington / Lamoille County): awatson@leg.state.vt.us

Senator Dick McCormack (Windsor County): rmccormack@leg.state.vt.us

Senator Mark MacDonald (Orange County): mmacdonald@leg.state.vt.us

Senator Becca White (Windsor County): rwhite@leg.state.vt.us

If you are opposed to the municipal zoning preemptions, you may wish to make the following points:

- Last year the Legislature passed several preemptions to local zoning aimed at facilitating housing growth. This year the Legislature should focus on state restrictions to growth before telling municipalities to do more.
- Section 10 of S.311 would effectively more than double the amount of housing cities and towns would need to allow on an acre of land in water and sewer districts. It was only last year that the legislature created a five unit per acre requirement. Let that provision go into action before creating a new 12 unit per acre provision.
- The state's decision to house unhoused Vermonters in hotels and motels has had tremendous impacts on municipalities' ability to provide services. Now telling towns that they need to have less input on when hotels and motels are turned into permanent housing seems to demonstrate we haven't learned the lesson of these past hasty decisions.
- Last year, the legislature preempted municipalities' ability to require more than one parking space per dwelling where there is water and sewer. Provisions that would now require tandem parking or define the size of a parking space throughout the town may have unintended consequences for people living in those units and their neighbors. No one enjoys having to shuffle cars, which may result in parking problems, especially given the proposed density requirements.
- Please do not include these provisions in H.687. Keep the focus on Act 250 and state housing programs.
- Please let communities have a say in what new Act 250 Tier is appropriate for them.

To review our session long update on these Act 20 Bills, please visit [Advocacy Updates: Housing, Community Development and Land Use.](#)