WLR Jan 12: Criminal Justice, Climate Resiliency, and More

Copyright Vermont League of Cities and Towns
Current as of: 11/11/2026

The headlines continued to focus on housing and public safety throughout week two of the legislative session. But the headlines are far from the entire story! Learn more about what's going on at the State House in this week's *Weekly Legislative Report*.

Make sure you also read the important and timely updates specifically for cities and towns regarding flood recovery, relief funding, and pending legislation. Visit our new **Advocacy Updates: Climate Change and Disaster Response page**, the first of our topic webpages. As the legislative session progresses, we will give priority coverage to the topic(s) currently being shaped, finalized, and voted on. Stay tuned for more.

We wish all members a safe and healthy Martin Luther King Jr. holiday.

The content of the Weekly Legislative Report *below is provided by our advocacy partners. For more detail and commentary from VLCT Advocacy visit the* ***Legislative Reports*** *webpage to access our topical Advocacy Updates.*

Housing Unites A Formidable Tri-Partisan Coalition

You might have noticed, but the consensus is now ubiquitous that housing is the limiting factor in our economy.

- The Senate Committee on Economic Development rolled up its sleeves this week with its new draft legislation, the *Be HOME Act*, which builds on the work of the *HOME Act* last year.
- While the *HOME Act* was primarily focused on municipal zoning, the *Be HOME Act* will focus mostly on Act 250, drawing from the four studies done this summer and fall.

Copyright Vermont League of Cities and Towns
Current as of: 11/11/2026

- The bill, H.719, was rolled out during the Governor's press conference while a tri-partisan coalition of legislators and community leaders, such as the Lake Champlain Chamber, accompanied him.
- The Senate is working on draft legislation that is currently not as broad as H.719 as it primarily only addresses building codes, creates a Housing Board of Appeals, and makes changes to wastewater connection regulations. ***However,*** since the Senators who sponsored that draft participated in the press event, it is assumed that its end version will reflect those elements.
- If you want to learn more about H.719, you can watch a webinar the Governor's team hosted giving an overview of the bill, and you can view these slides.

Navigating Perspectives: Criminal Justice Challenges & the Approval of Safe Injection Facilities

In the ongoing discussions within the House and Senate Committees on Judiciary, the lack of consensus on elements of criminal justice poses a significant challenge. Meanwhile, the House has recently approved a bill paving the way for supervised safe injection facilities, addressing a different facet of the state's approach to substance misuse. Let's jump into it.

Lack Of Consensus On Elements Of Criminal Justice

Copyright Vermont League of Cities and Towns
Current as of: 11/11/2026

How to handle crime is a philosophical debate that has lasted all of mankind and is plaguing the House and Senate Committees on Judiciary as they hear from stakeholders about the public safety issues facing Vermonters.

Aside from a recurring disagreement of whether there is more crime or if it is a matter of perception, as some would argue, the House Judiciary Committee worked on four difficult elements, which we outline below. he Committee best hurry up because the public safety and quality of life in our communities are nearing a potentially irreversible part of the downward spiral.

Incapacitation by incarceration

- The Vermont Legislature is generally under the grip of dogma that cherishes individual liberty while being skeptical of the effectiveness of incarceration to deter crime and, therefore, has sought to lessen the judicial system's propensity for incarceration and brought Vermont to be among the lowest incarcerated states.
    - On the other hand, legislators are now struggling with the undeniable utility of incarceration for incapacitating individuals who continually do harm to their community by separating them from the community where their victims are.
- This makes their conversations incredibly difficult when they attempt to discuss:

Penalties and Deterrence

- The Committee has been discussing H.534 & H.579, which both aim to **aggregate repeated retail thefts into a felony, which are currently addressed individually as misdemeanors.**

Copyright Vermont League of Cities and Towns
Current as of: 11/11/2026

- The Committee has not bought into the concept that harsher penalties prevent crime and is sympathetic to testimony from the ACLU conveying this.
    - However, the impetus of the bill is that individuals are purposely stealing below the threshold that would trigger harsher penalties, which would indicate penalties might matter…
- There *is* general agreement that **"*certainty of penalties and swiftness of justice*"** serve as a deterrent for crime. The more time defendants are out awaiting trial, the more likely they are to feel no consequences for reoffending.
- Outside of this, the idea of bringing back **"work crew,"** involving public service as punishment for various crimes that affect the community, is gaining some steam.
- Penalties aside, misdemeanors aggregating to create felonies could have the impact of allowing individuals to be arrested and brought to jail ahead of arraignment, *which in itself is a form of swift punishment.*
- This leads us to our next element:

Timeliness

- How do we quickly apply judicial pressure to remedy recurring patterns of negative behavior?
- Both Judiciary Committees have heard about a **court backlog** that pre-dates the pandemic, which then exacerbated it.
- While the House is more focused on penalties for repeat offenders, the Senate has taken more of an interest in how to properly respond to **violations of conditions of release** (VCR).

Copyright Vermont League of Cities and Towns
Current as of: 11/11/2026

- The Vermont Judiciary is requesting three new superior court judge positions and ten new judicial assistants to help get through the 14,500 open cases.
- However, this is being used to make a case for a pivot in the conversation about the next new element;

Orthodox vs. Novel Justice Systems

- Woven into all of this is a bill that would seek to expand the jurisdiction of the restorative justice centers in the state.
    - H.645 would seek to establish pre- and post-charge diversion programs for certain eligible offenses and individuals, overseen by the Community Justice Unit of the Office of the Attorney General. The Department of State's Attorneys and Sheriffs would be able to create diversion policies subject to statutory requirements and in consultation with the Community Justice Unit.
    - Proponents of these systems will admit they are not designed for repeat offenders, however, testimony outlined they've explored extending this system to those individuals.

If you're interested in these subjects, you might want t**o watch** these two panel discussions facilitated by Governor Scott's team;

- **Understanding the Issue of Repeat Offenders**
- **Introducing Policy for Discussion**

House Approves Safe Injection Facilities

Copyright Vermont League of Cities and Towns
Current as of: 11/11/2026

The House gave the final approval to a bill that would create the legal framework for two locations, expected to be in Burlington and Bennington, which offer a supervised space for those suffering from substance misuse to use their narcotics of choice.

- The site, going by the name "Overdose Prevention Sites," would cost about $1 million as part of a pilot project funded by fees from pharmaceutical companies and opioid settlement funds.
- The bill next heads to the Senate, where it will likely be passed, however, the Governor's veto pen is waiting.

Climate Mitigation & Climate Resiliency

You might remember that we are statutorily obligated as a state to reduce our emissions under the Global Warming Solutions Act, and the state could be in legal peril if it does not. As was discussed in Committee this week, there's uncertainty about meeting the 2025 target, and many consider the 2030 goal (a 40% emission reduction from 1990 levels) challenging or impossible.

It's not as if the state isn't doing anything:

- Vermont utilities have largely embraced renewable energy, with many of them boasting 100% carbon-free portfolios that then power millions of dollars worth of investments in moving Vermonters to electricity for energy needs. A bill to update their **Renewable Energy Standard** and require them to source entirely 100% renewable energy by 2030 has been endorsed by some.

Copyright Vermont League of Cities and Towns
Current as of: 11/11/2026

- Last year, the Legislature created the **Clean Heat Standard, a** framework for the Public Utilities Commission to create a market-based system to regulate fossil fuels by requiring dealers to either create credits through emission reduction projects or buy those credits. That final plan will come back to the Legislature and could cost as much as *70 cents a gallon of fuel to implement.*
- Legislative attention is now focused on the **climate resiliency and mitigation of the effects** of climate change, given our recent experiences with extreme weather events,
    - Our state's overarching climate framework, the Global Warming Solutions Act, was deliberately written without accommodating resiliency or adaptation. LCC brought this critique of the legislation, which fell on deaf ears and was disregarded only to resurface after it was passed when members of the Climate Council were creating their plan; however, by then, it was too late.

Elsewhere in the State House

Hundreds of hours of committee discussion each week culminate into our advocacy update, so not everything makes it into the overall update; however, we often cover what is left on the cutting-room floor here for our most dedicated readers.

- **Last week's update and read last year's summary here**
- **Cloud Tax** is back and was discussed in the House Committee on Ways and Means this week in the context of **H.657,** which seeks to amend

Copyright Vermont League of Cities and Towns
Current as of: 11/11/2026

existing communications taxes and fees to support communications systems in the state. The cloud tax language is broad, encompassing Software as a Service, Platform as a Service, and Infrastructure as a Service.

- **Green Mountain Transit will resume fares in March.** The municipal bus agency used federal dollars to be fare-free through the pandemic for safety concerns and now must resume collecting to keep operations. GMT and other bus services are facing an impending fiscal cliff and will look to the legislature for more funding.
- The legislative work week is four days, and a few legislators have put in a piece of legislation to extend that to the rest of the state. H.713 would create a 32-hour work week in Vermont.
- **Looking at the federal government for a minute;** Speaker Mike Johnson's deal with Senate Majority Leader Schumer to fund the government for the next fiscal year faces opposition from some hardline elements of the GOP due to border security policy. The whole thing is reminiscent of his predecessor's ousting. These internal divisions complicate his push for a year-long Continuing Resolution (CR), and Schumer filed a short-term CR, extending funding until early March.
- You might remember that last year, the Governor vetoed a **bill that would have increased legislators' pay and extended their benefits.** This year brings a similar bill (S.224) aiming to address concerns about costs by excluding health insurance benefits and proposing a compromise pay bump estimated to cost the state between $2.5 and $3 million.

Contact Us

Copyright Vermont League of Cities and Towns
Current as of: 11/11/2026

We always want to hear your ideas, feedback, and concerns. You can reach us at advocacy@vlct.org.

Publication Date

01/12/2024

Copyright Vermont League of Cities and Towns
Current as of: 11/11/2026