



April 14, 2023

The Honorable Jill Krowinski
Speaker of the House
Vermont General Assembly
Office of the Speaker
115 State Street
Montpelier, VT 05633

Dear Speaker Krowinski:

Thank you for taking time this afternoon to discuss efforts to address regulatory issues impeding efforts to build safe, affordable, environmentally appropriate, and absolutely necessary housing for Vermont families. I'm writing to follow up on our conversation and to ask that you encourage your peers to include meaningful changes to Vermont's statewide land use law, Act 250, while the House considers changes to Vermont's municipal land use laws.

H. 68 and S. 100 propose to make Vermont one of the first states in the country to outlaw single family zoning and to require high-density development anywhere water and sewer infrastructure exists. These are significant preemptions to local control that will not, on their own, build affordable housing at the scale or pace required to address our state's housing crisis. Several Vermont communities have adopted similar provisions without spurring significant affordable housing development. Another 40 Vermont communities have no zoning, yet continue to struggle to attract affordable housing development. And some of the major cities and states -- like Minneapolis, Maine, Oregon and California -- that have adopted multi-family preemptions and density requirements have yet to see the development of the affordable housing they had hoped for. As advocates for more housing, VLCT understands the need for compromise, and we are eager to work with you to finetune the proposals to make them as effective as possible, despite our serious preemption concerns. In return, we urge the Legislature to make a similar significant compromise on Act 250 so these major changes to local land use laws are as effective as possible.

In mandating municipalities to give up control of where and how density is built in their communities, the state should also give up some of its own land use controls that have restricted growth even where we want it to occur -- in our already developed historic population centers such as downtowns, villages and designated growth areas. The bill should include the following changes to Act 250 to promote smart growth and housing choices:

- Exempt the construction of housing from Act 250 review in any community with a designated downtown, new town center, growth center or neighborhood development area, or village center if in a town with permanent zoning and subdivision;
- Change the 10/5/5 rule that requires a developer building 10 units within five miles within five years to apply to Act 250 to a 25/5/5 rule in any municipality with permanent zoning and subdivision laws;
- Provide that the construction of housing projects with four or fewer units shall not count toward triggering Act 250 jurisdiction over any other project in communities with permanent zoning and subdivision bylaws;
- Create a robust municipal delegation of Act 250 for any community that demonstrates it has substantially similar rules in place to Act 250; and
- Remove state permitting of connections to municipally owned wastewater treatment or water supply systems when the municipality seeks such authorization.

These changes will reduce duplicative permitting processes, reduce the cost of construction, reduce frivolous appeals, and increase the pace at which housing can be built, all while preserving the vital role Act 250 plays in reducing the societal and environmental impacts of development.

We look forward to working with you to make amendments to the local land use policy proposals in the bill, and hope you will be open to working with us to include amendments to Vermont's statewide land use planning laws.

Sincerely,



Ted Brady
Executive Director

cc: The Honorable Thomas Stevens, Chair, House Committee on General and Housing
The Honorable Robin Chesnut-Tangerman, Vice Chair, House Committee on General and Housing
The Honorable Amy Sheldon, Chair, House Committee on Environment and Energy
The Honorable Laura Sibilila, Vice Chair, House Committee on Environment and Energy