

Top 10 on the HOME Act New Toolkit for Homebuilders What's Next in the Legislature

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Top 10 on the HOME Act New Toolkit for Homebuilders What's Next in the Legislature

Vermont Development Conference

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Vermont Department of Housing & Community Development

Cochran | Tomasso | Hemmerick



About Us

The Community Planning and Revitalization team uses a collaborative, place-based approach to land-use planning and community development that empowers state and local leaders to plan for and build vibrant, inclusive, and resilient places, downtowns, villages, and neighborhoods.



HOME Act 47



Photo: Colin Keegan, Great Housing Hunt Submission

Disclaimer

The Department of Housing & Community Development cannot provide individuals, businesses, or municipalities with legal advice. This is a broad overview to help public officials and developers understand key provisions of the law.

HOME Act: New Pathways for Homes

- Funding for homes
- Regional and Local Plans
- Focus on many aspects of regulation
 - Uses
 - Dwelling Unit Density
 - Dimensional Standards
 - Min. Parking Standards
 - Development Review



Credit: Enabling Better Places

Why Land Use Regulation Reform?

- Acute housing crisis
- Increased understanding of policies resulting in exclusion
- Makes the most of existing public utilities and services
- Planning & Development Act enables local regulation

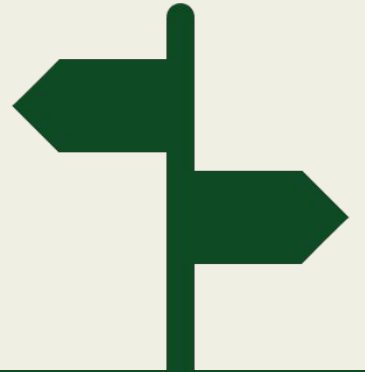


Photo: Zoe Mueller, Utile Planning

HOME Act: New Pathways for Homes

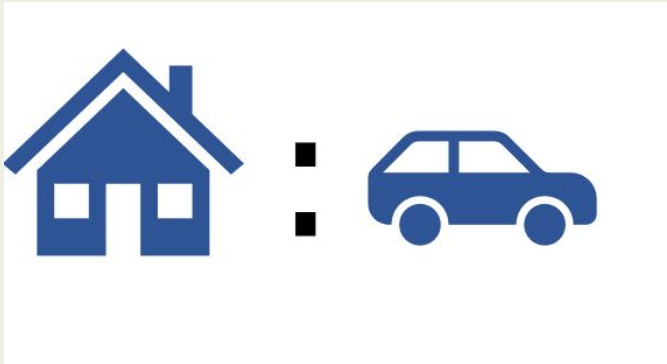
- Some provisions apply statewide
 - In municipalities that plan and regulate
- Some apply in areas served by municipal water and sewer
- Changes State regulations, too
- + Studies to support additional modernization

QUIZ TIME



#1 - Parking Requirements

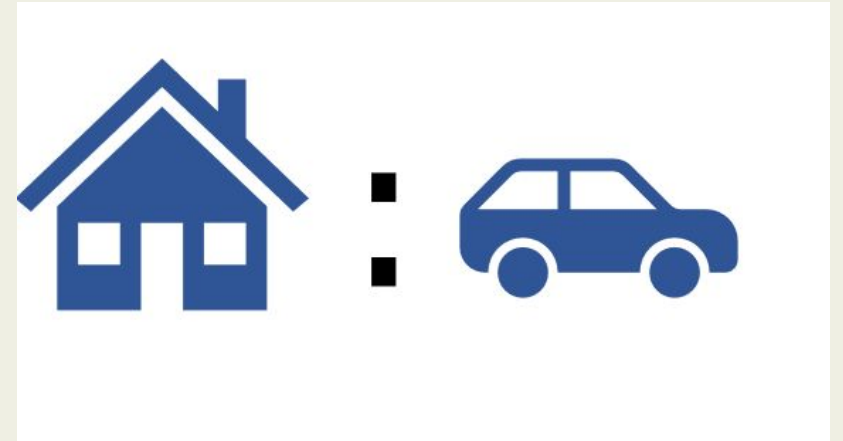
Q: What is the maximum number of parking spaces per dwelling unit in districts served by water and sewer?



A: Bylaws may require no more than 1 per dwelling unit in residential zoning districts served by water and sewer.

#1 - Parking Requirements

- Applies statewide to municipalities with bylaws with min. parking requirements
- **May** require 1.5 in other areas
- Not effective until Dec. 1, 2024
- Does not affect other ordinance authority to regulate parking nuisances, like ticketing for parking in unauthorized places



#2 - 3 to 4 Multi-Unit Uses

Q: In residential zoning districts with water and sewer, are 3 to 4 multi-unit buildings a permitted or conditional use?



A: 3-4 multiunit buildings must be a permitted use, not conditional

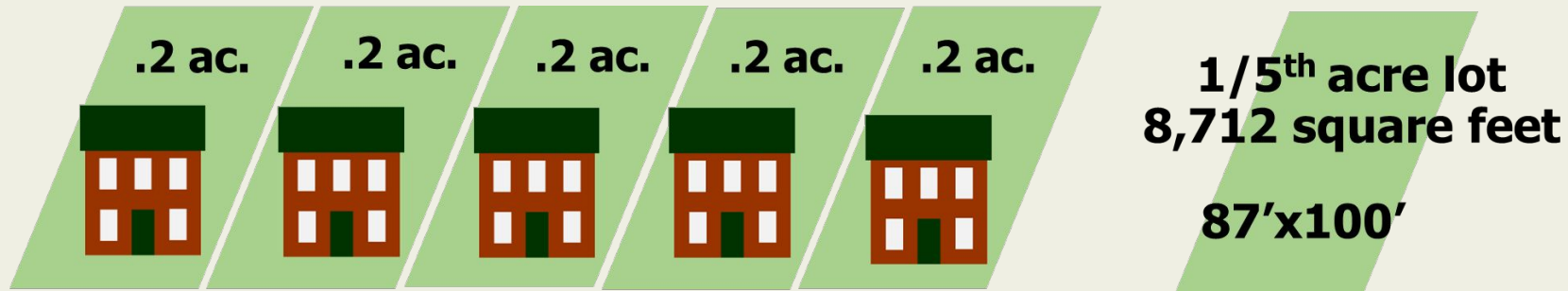
#2 - 3 to 4 Multi-Unit Uses

- Defines multi-unit to mean 3 or more dwelling units in the same building
- Applies statewide in municipalities with bylaws
- Applies in zoning districts allowing year-round residential uses served by municipal water & sewer
- **Must be a permitted use, not conditional**
- Includes exemption for districts requiring multi-family w/more units.



#3 - Density of X

Q: What is the newly established dwelling unit density per acre, in zoning districts with water and sewer?



A: Says bylaws shall establish lot and building dimensional standards that allow 5 or more dwellings per acre for each allowed residential use.

#3 - Density of 5

- Applies statewide in areas served by water and sewer, where residential development is allowed
- **Says bylaws shall establish lot and building dimensional standards that allow 5 or more dwellings per acre for each allowed residential use.**
- Density standards may not be more restrictive for multi-unit dwellings than what is required for single-family dwellings



Source: [Visualizing Density](#)

#4 - Affordability Unit/Height

Bonus

Q: What is the dwelling unit density bonus for affordable housing, in areas districts with water and sewer?



A: Provides dwelling unit density bonus of 40% and one habitable floor above height maximum

#4 - Affordability Unit/Height

Bonus

- Applies statewide in areas served by water and sewer
- Where residential development is allowed
- For affordable housing (definition in title), including mixed-use development
- Provides dwelling unit density bonus of 40% and one habitable floor above height maximum



#5 - Duplexes

Q: In zoning districts allowing year-round residential use, are duplexes considered a permitted or conditional use?



A: Duplexes must be an allowed use (may be permitted or conditional), using the same (or not more restrictive) dimensional standards as single-household dwelling

#5 - Duplexes

- Defines this use as a residential building with two dwelling units in the same building
- Applies statewide in municipalities with bylaws in zoning districts allowing year-round residential uses
- **Must be an allowed use**
- **Using the same (or not more restrictive) dimensional standards as single-household dwelling**
- What is classified as a dimensional standard may vary by bylaw (not a defined term); may mean that duplex must be allowed on 1/5th acre lot in conjunction with density sec



#6 - By-Right Development

Review

Q: What is 'non-negotiable' in development review for allowed housing?



Photo Credit: Richard Amore

A: Protects allowed housing in development review:

- No reductions in lot sizes
- No reductions in building footprint and height
- No reductions in dwelling unit density
- No increases in parking
- No modifications to an application that complies with the minimum or maximum standards in the bylaws

#7 - Character-Based Appeals

Q: Is character of the area an appealable condition?



Photo Credit: Waterbury Roundabout

A: Prohibits conditional use appeals when the local development review panel has determined character met for residential development in designated downtowns, growth centers, and neighborhood development areas

#7 - Character-Based Appeals

- Prohibits conditional use appeals when the local development review panel has determined character met for residential development in designated downtowns, growth centers, and neighborhood development areas
- Other elements remain appealable
- Expands party status to residents, but interested parties may no longer appeal a residential project based on character of the area for *affordable housing*



8 - Act 250 Jurisdiction

Q: What is the new Act 250 threshold for housing units constructed in certain designated areas?



Source: VT Public

A: Through July 1, 2026, an Act 250 Permit is not required for the construction of:

- (1) Up to 24 units of housing in certain designated areas [Downtowns, Neighborhood Development Areas, Growth Centers, and Villages with permanent zoning subdivision]

8 - Act 250 Jurisdiction



Source: VT Public

From [NRB Guidance](#):

Through July 1, 2026, an Act 250 Permit is not required for the construction of:

- (1) Up to 24 units of housing in certain designated areas [Downtowns, Neighborhood Development Areas, Growth Centers, and Villages with permanent zoning subdivision]
- (2) Additionally, the construction of 4 units or less in an existing structure counts as 1 unit; or
- (3) Priority housing projects in certain state designated areas [Designated Downtowns, Neighborhood Development Areas, and Growth Centers].

#9 - Funding

Q: What are examples of priority funding buckets to increase housing equity?



Source: oswalgroup.net

A:

- First generation homebuyer
- Missing middle homeownership
- VHCB
- VHIP
- Rental housing revolving loan

#9 - Funding

- [**First generation homebuyer**](#), Vermont Housing & Finance Agency (VHFA), Sec. 33
- [**Missing middle income homeownership**](#), VHFA, Sec. 36
- [**Rental housing revolving loan**](#), VHFA, Sec. 38
- [**Vermont Rental Housing Improvement Program**](#) (VHIP), Dept. of Housing & Community Development, Sec. 40
- [**Vermont Housing & Conservation Board**](#), Sec. 42

#10 –Resources

- [Bylaw Modernization Grants](#)
- [Regional Planning Commission](#) Technical Assistance
- [HOME Act Zoning Resource Page](#)
- [HOME Act – NRB \(Act 250\) Guidance](#)
- [Vermont Plan & Bylaws Database](#)

HOME Act 47

Questions/Experience

- What are your experiences with the HOME Act so far?

Story of Build-Up to Homes for All

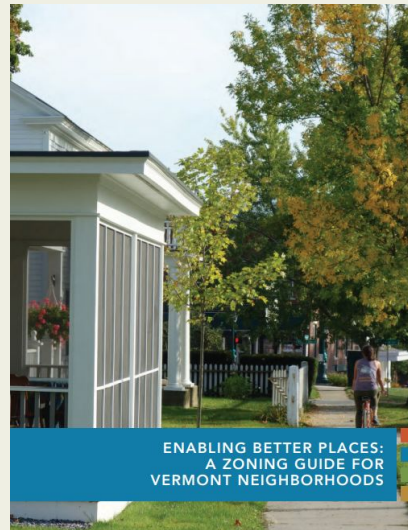
2013

Neighborhood
Development Areas



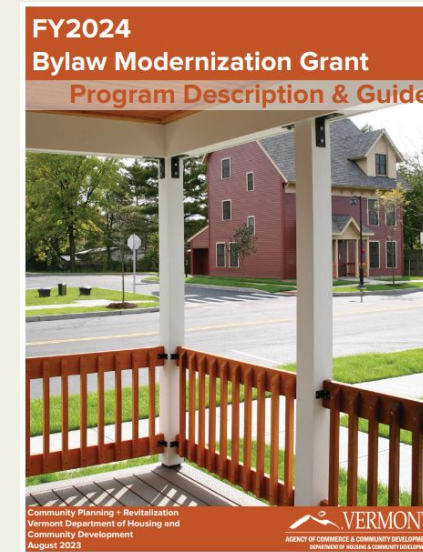
2020

Enabling Better Places
– Zoning for Great
Neighborhoods



2022

Bylaw Modernization
Grants



2023

- Community Partnership for Neighborhood Development Grant
- Homes for All
- Designation 2050



*Note: Timeline not to scale

Vermont Homes for All Toolkit

A 'Design & Do' Toolkit for Small-scale Home Builders, Investors & Community Leaders



What will the toolkit do?

Purpose:

Re-introduce Missing Middle Homes (MMH) to Vermont by focusing statewide attention on small-scale gentle infill and incremental development as a strategy to address Vermont's housing and affordability crisis.

Toolkit Goals:

**Build Affordably | Grow Small Developers
Cultivate Local Support | Empower MMH
Champions**



Example of MMH in Corinth

Toolkit Components

Vermont Homes for All Toolkit

This, when compiled, will provide a foundation for the implementation of “homes for all” typologies in Vermont by providing predevelopment-ready site and building designs, guidance on how to address design factors for incremental infill development in existing communities, and start to finish guidance on the development process.

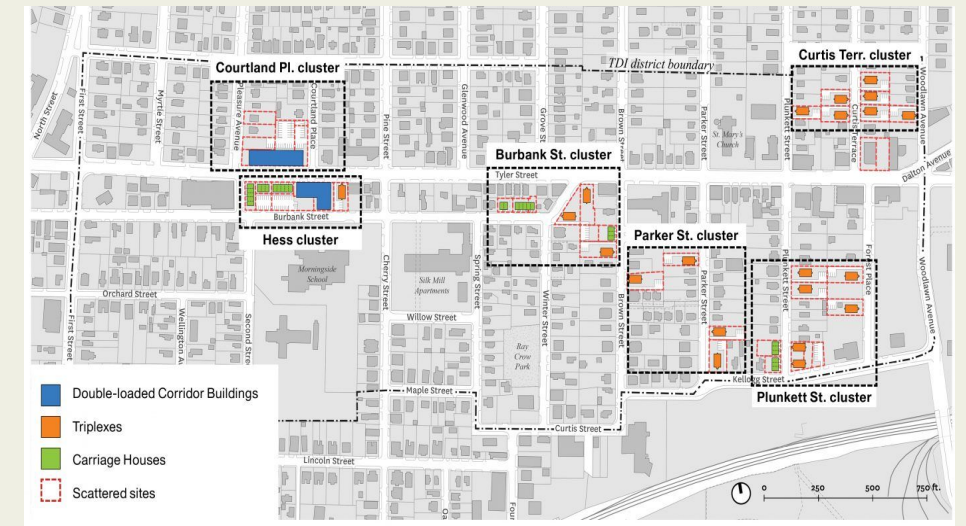
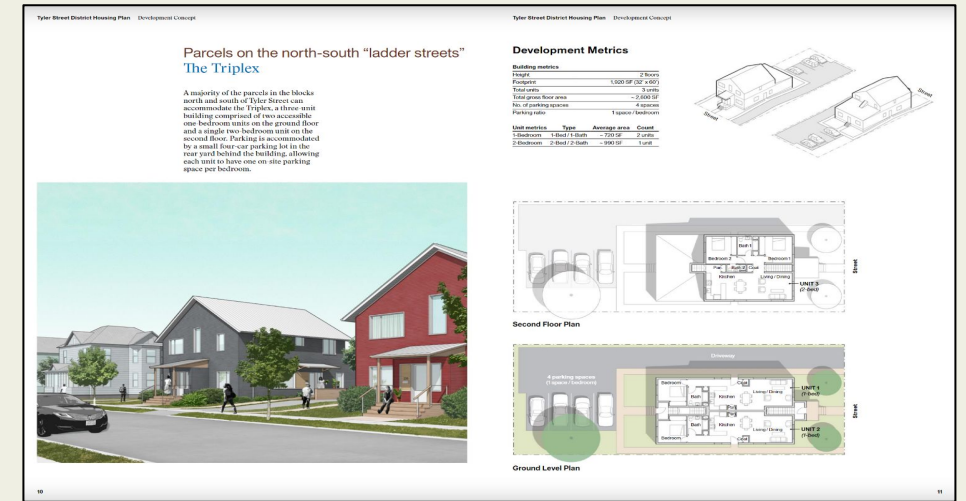
1. Missing Middle Homes Design Guide

2. Vermont Neighborhood Infill Design Case Studies

3. Builders' Workbook

4. Training Resources

Toolkit Trainer Summit



Precedent: Pittsfield Tyler Street District Plan

Project Arc

Phase 1 (2023-24): Engagement & Design

Actions: Homes for All Toolkit, Builders' Workbook, Infill Case Studies

Status: Underway



Phase 2 (2024-25): Training & Access

Actions: Training cohort; design contest for construction-ready drawings

Status: Funding secure



Phase 3 (2024-25): Implementation

Actions: Grants for homebuilding

Status: Seeking HUD Funding (PRO Housing Consortium Grant)

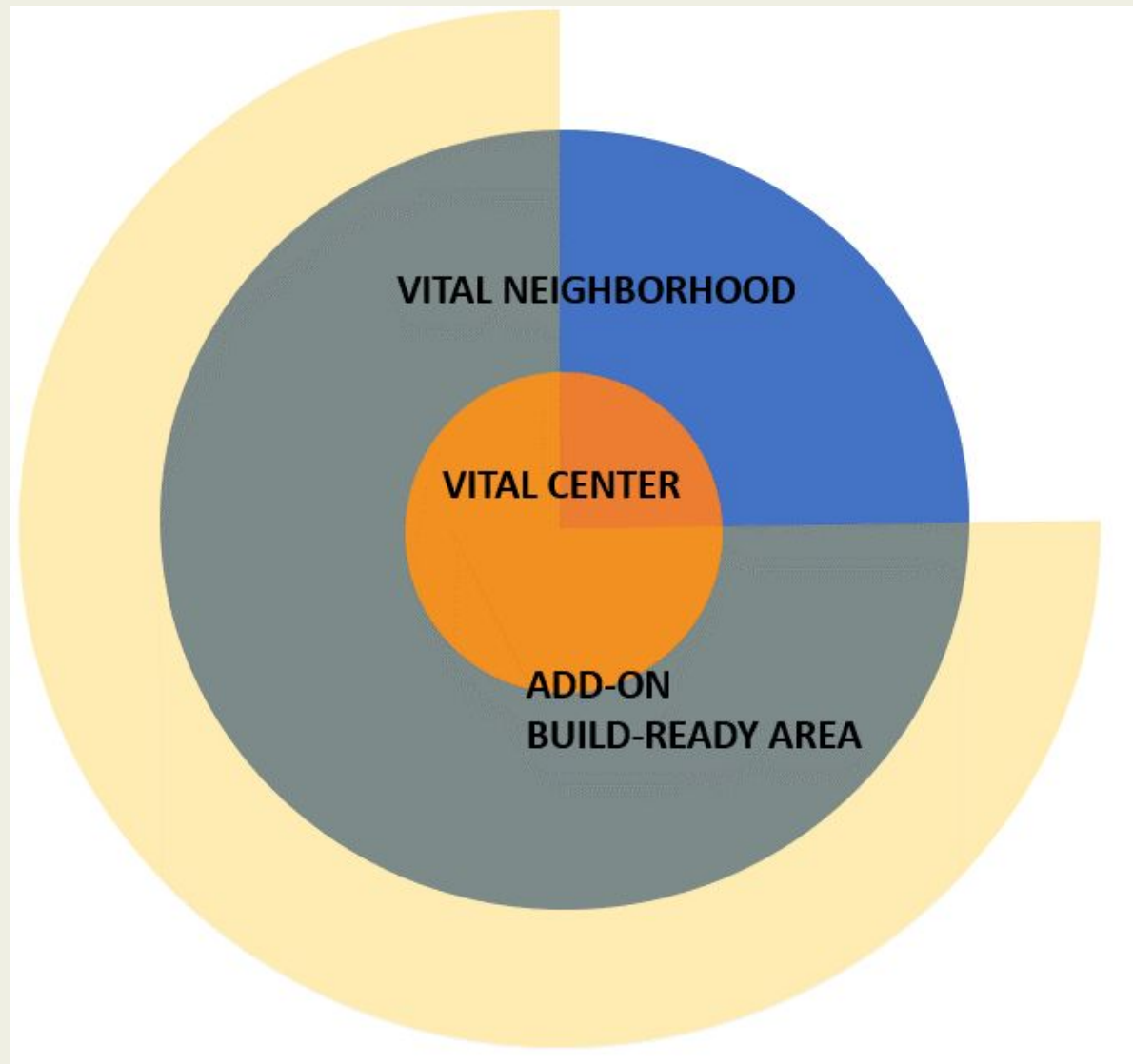
Homes for All Questions

- What resources would be most helpful to small- and mid-scale developers?

The Summer of Studies

- **Building and Energy Codes** – reforms and enforcement
- **Regional Plan Future Land Use Maps** – mapping hamlets to areas planned for growth for state recognition
- **Act 250 Reform** – three tiers of jurisdiction
- **Designation 2050** – reducing process to make a good program better and more accessible

Vital Centers



Tell Us Your Story

- Questions, experiences, resources...?

Thank You

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