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Support Targeted Regulatory Reform

Vermont has one of the highest rates of unhoused people in the country. As we learned from the most recent (2023) Point in Time count, Vermont had the 2nd highest rate of unhoused people per capita in the country.ⁱ And, Vermont's crisis is getting worse – with an 18.5 percent increase in unhoused people between 2022 and 2023 and a 218.4 percent increase in unhoused people between 2007 and 2023.ⁱⁱ And, because of our country's long history of racist and exploitative laws and policies, many of which continue today, Black Vermonters are unhoused at a staggering rate compared to white Vermonters. Black people represent just 1.4 percent of Vermont's population, yet account for over 8 percent of Vermont's unhoused population.ⁱⁱⁱ

This is a crisis. And, while the numbers seem staggering – including a need for Vermont to add 30,000-40,000 more year-round homes by 2030^{iv} – the legislature has the opportunity this session to place Vermont on the path to solving it.

To solve this crisis, Vermont must not only commit to the sustained, long-term revenue generation and investments envisioned in H.829, but also continue to improve its land use regulations and permitting to ensure that new housing investments do not face unnecessary delays and costs. Both S.311 and H.687 offer constructive approaches to build on these successes by making the development of affordable housing less time consuming and less costly.

Specifically, we support the following improvements in Vermont's regulatory framework:

- Enact Targeted Exemptions to Act 250:
HHAV supports the transition to location-based jurisdiction for Act 250, as embodied in S.311 and H.687. Creating an exemption from Act 250 in Tier 1a areas, and an exemption for up to 75 units in Tier 1b areas will encourage housing development of all sizes and levels of affordability. Densely developed affordable multifamily housing will benefit from the exemption by reduced time in the permitting process, and reduced costs in permit fees.

HHAV also recognizes the need for the Act 250 reform to move forward as a comprehensive package, which includes protection of critical natural resources.
- Study Ways to Strengthen Incentives for Constructing Affordable Housing:
Section 35 of H.687 directs DHCD to provide recommendations for incentives for affordable housing development within designated areas. In recognition that the incentive previously offered as a priority housing project will no longer be relevant under the proposed new exemptions, HHAV recommends further exploration of other possible incentives for affordable housing as outlined in this section.
- Streamline the Appeals Process Without Undermining its Integrity:
HHAV understands that there is a disagreement in regards to what is the appropriate entity for hearing Act 250 appeals: the current system using the Environmental Court, or as proposed in H.687 using the newly created Natural Resources Board. HHAV does not have a position on which entity is appropriate, but HHAV does support language which speaks to the amount of time it takes to resolve an appeal. S.311 states that "it shall be the goal of the Environmental Division to hear a case regarding appeals of an appropriate municipal panel under 24 V.S.A. chapter 117 within 60 days following the case being filed with the Division and issue a decision within 90 days following the close of the hearing on the case."^v HHAV supports language such as found in S.311 that sets

out legislative intent to create an appeals process that is resolved in a timely fashion, and ideally within six months of filing the appeal.

ⁱ U.S. Dept. of Housing and Urban Development, *The 2023 Annual Homelessness Assessment Report (AHAR) to Congress, Part 1 - PIT Estimates of Homelessness*, Dec. 2023, p. 16, available at <https://www.huduser.gov/portal/sites/default/files/pdf/2023-AHAR-Part-1.pdf>.

ⁱⁱ *Id* at p. 113.

ⁱⁱⁱ Chittenden County Homeless Alliance & the Vermont Coalition to End Homelessness, *Vermont's Annual Point in Time Count* (2023), p. 10, available at <https://helpingtohousevt.org/wp-content/uploads/2023/06/2023-Vermont-Point-in-Time-Report-6-6-23.pdf>.

^{iv} Leslie Black-Plumeau, *30,000 to 40,000 more Vermont homes needed by 2030*, Vermont Housing Finance Agency, Jan. 25, 2023, available at <https://www.vhfa.org/news/blog/30000-40000-more-vermont-homes-needed-2030>.

^v S. 311 (as introduced), 2024, p. 22, Lines 13-16, available at <https://legislature.vermont.gov/Documents/2024/Docs/BILLS/S-0311/S-0311%20As%20Introduced.pdf>.