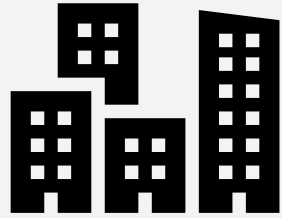


Land Use Reform Municipal Training

Act 250 reform, flood safety, housing, conservation, and more



What Town Officials Need to Know and Need to Do



HOME Act: Zoning for Housing – Act 47 (2023)



State Designation and Act 250 Reform – Act 181



Flood Safety Act – Act 121



FHA Floodplain Mortgage Regulations

HOME Act: Zoning for Housing

Statewide zoning standards: increased housing density

- **Preempts municipal zoning**

Interim Act 250 exemptions for priority housing projects

- Interim exemptions later expanded in Act 181 (2024)

More info

- Summary: <https://legislature.vermont.gov/Documents/2024/Docs/ACTS/ACT047/ACT047%20Act%20Summary.pdf>
- Full text: <https://legislature.vermont.gov/Documents/2024/Docs/ACTS/ACT047/ACT047%20As%20Enacted.pdf>

HOME Act: Zoning for Housing
Need to Know

HOME Act: Zoning for Housing

HOME Act focuses on upzoning residential districts with municipal water and wastewater

- Other residential districts are also upzoned but not as much

Enables:

- Accessory dwelling units (ADUs)
- Multi-unit housing
- Affordable housing
- Infill development

HOME Act: Zoning for Housing – To Do

Tell residents who want to convert or construct ADUs, convert single-unit dwellings to duplexes, etc. about **new opportunities**

Update municipal bylaws and **municipal plans** to new standards

- Funding source: Municipal Planning Grant (competitive)
 - Link to grant application below, CVRPC happy to assist

More info

- Municipal Planning Grant Application: <https://accd.vermont.gov/community-development/funding-incentives/municipal-planning-grant>

HOME Act: Zoning for Housing
Need to Do

State Designation and Act 250 Reform

State Designation reform

- Existing designations carry over
- New designations based on Regional Plan Future Land Use (FLU) Map

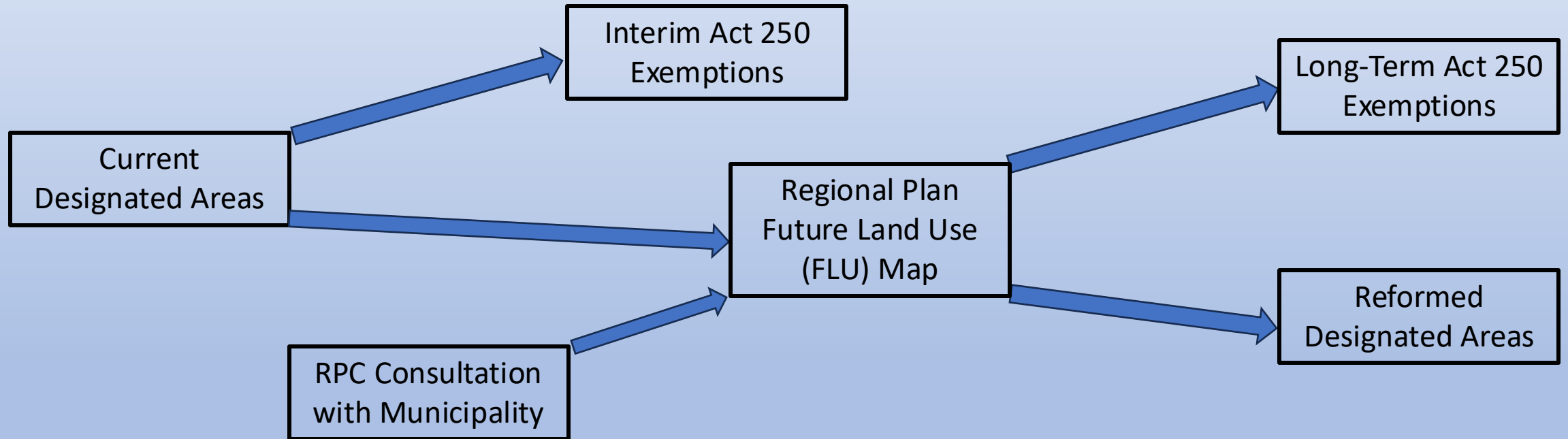
Act 250 reform

- Interim exemptions
- Long-term exemptions
 - **Municipalities need to opt in if they want long-term Act 250 exemptions**

More info

- Summary: <https://legislature.vermont.gov/Documents/2024/Docs/ACTS/ACT181/ACT181%20Act%20Summary.pdf>
- Full text: <https://legislature.vermont.gov/Documents/2024/Docs/ACTS/ACT181/ACT181%20As%20Enacted.pdf>

State Designation and Act 250 Reform



State Designation Program – Background

Financial and regulatory benefits for smart growth

Renamed by Act 181

- Now the Community Investment Program
- Administered by the Community Investment Board (formerly the Downtown Development Board)

More info

- Designation Manual: https://outside.vermont.gov/agency/ACCD/ACCD_Web_Docs/CD/CPR/State-Designation-Programs/DHCD-Planning-Manual-Module2.pdf

State Designation and Act 250 Reform
Need to Know

State Designation Program – Current (Through 2025)

Five designations

- Core: Downtown, Village Center, New Town Center
- Add-on: Neighborhood Development Area, Growth Center

Municipalities apply directly to Department of Housing and Community Development (DHCD)

Basis for interim Act 250 exemptions

State Designation Program – Reformed (Starting 2026)

Simplified: only two designations

- Center
- Neighborhood

Existing designations carry over

Act 181: Same Basic Concept

*From 5 to 2 Designations
Each have requirements & benefits
Anticipate larger areas*

Centers

Step 1: Beginner

Starter Village

Step 2: Intermediate

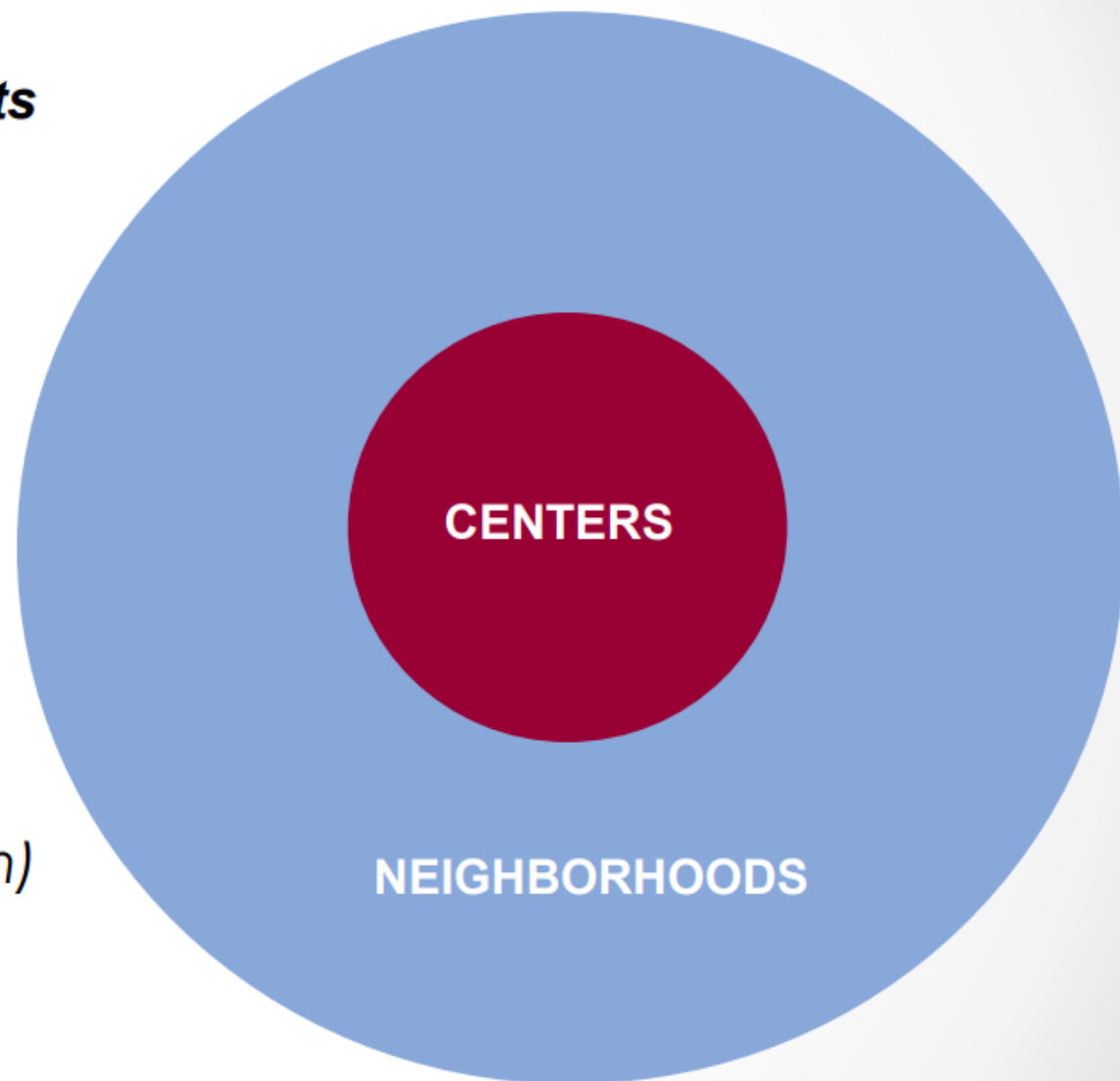
Growing Village

Step 3: Advanced

Downtowns

(Main Street Program)

Neighborhoods

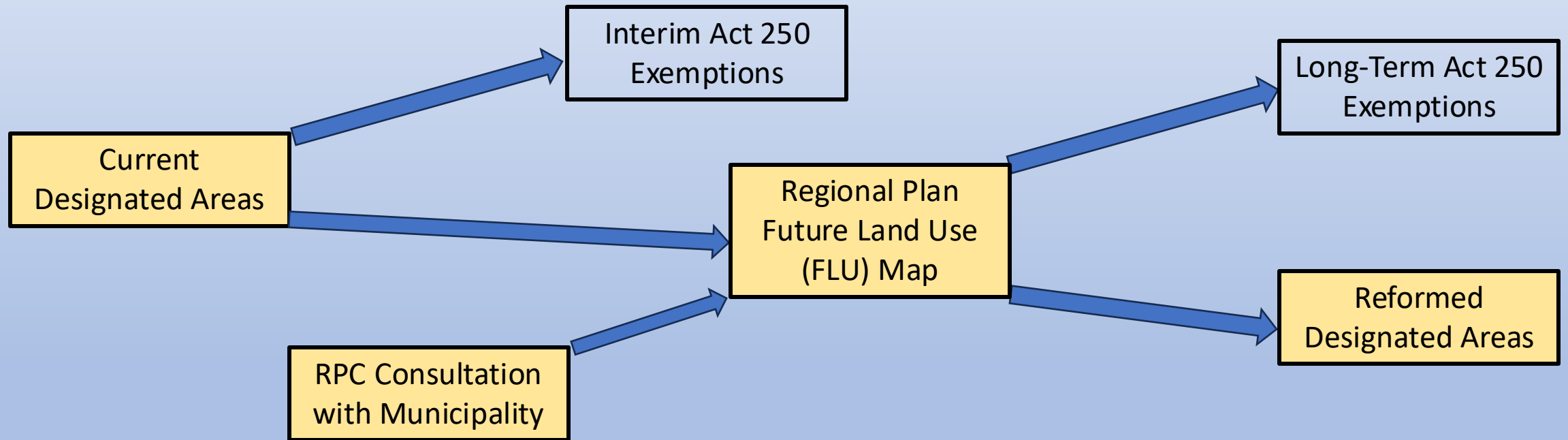


State Designation Program – Reformed (Starting 2026)

New designations based on Regional Plan FLU Map

- Land Use Review Board (formerly Natural Resources Board) must approve FLU Map by 2025
- Starting in 2026, RPC updates FLU Map whenever towns request new designations

State Designation Program – Reformed (Starting 2026)





Regional Plan Future Land Use Categories



State Designation / Community Investment



State Designation Program – Reformed (Starting 2026)

- **State Designation** and Act 250 Reform
- Need to Do

State Designation Program – To Do

Current program:

- Apply to DHCD for new designations by October 2025

Or

Reformed program:

- Get new designations through Regional Plan FLU Map
 - RPC-town consultations Winter – Spring 2025, start receiving benefits 2026

State Designation Program – To Do

Why apply now?

- Known procedure: more paperwork but more clarity than receiving designations through Regional Plan Future Land Use Map
- Receive benefits sooner

Reminder: your existing designations will carry over to new program

Act 250 Reform – Background

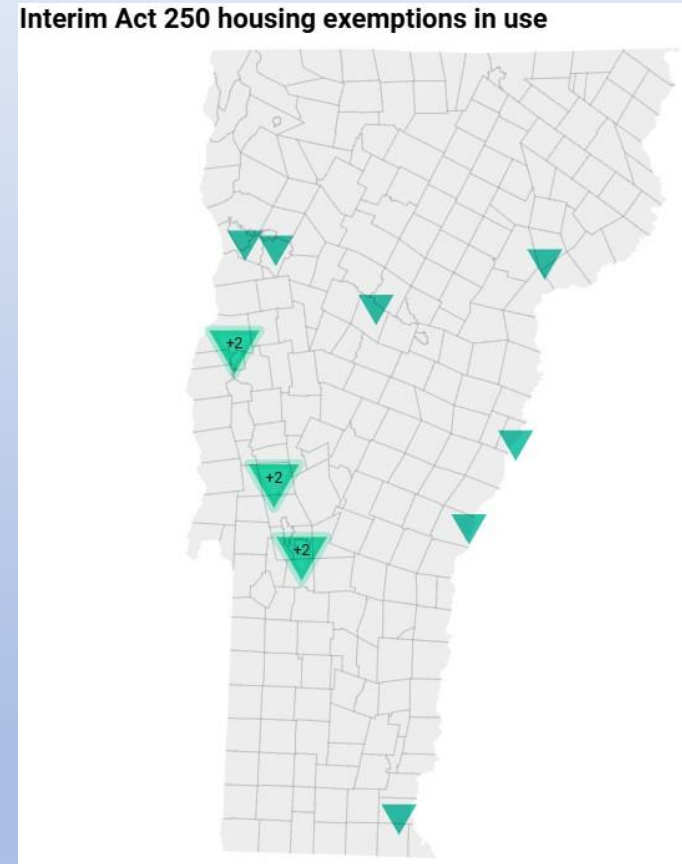
Interim Act 250 exemptions through 2026

Long-term Act 250 exemptions starting 2027:
Three tiers of Act 250 review, based on location

- Tier 1: Looser (promote development)
 - **Municipalities must opt in**
- Tier 2: Status quo
- Tier 3: Stricter (promote conservation)

Act 250 Reform – Interim (Through 2026)

Interim Act 250 housing exemptions based on designations and municipal capacity



More info

- Interim Act 250 Housing Exemptions Guidance:
<https://act250.vermont.gov/sites/act250/files/documents/Interim%20Housing%20Exemptions%20Guidance.pdf>

State Designation and **Act 250** Reform
Need to Know

Act 250 Reform – Interim (Through 2026)

Interim Act 250 Exemptions:

Priority housing projects (incl. mixed-income housing) in or within ½ mile of designated downtowns, neighborhood development areas, and growth centers

All housing projects in designated downtowns*

Up to 75 dwelling units in new town center, growth center and neighborhood development area*

Up to 50 dwelling units on <10 acres in or within ¼ mile of village centers*

*Areas eligible for interim Act 250 exemptions

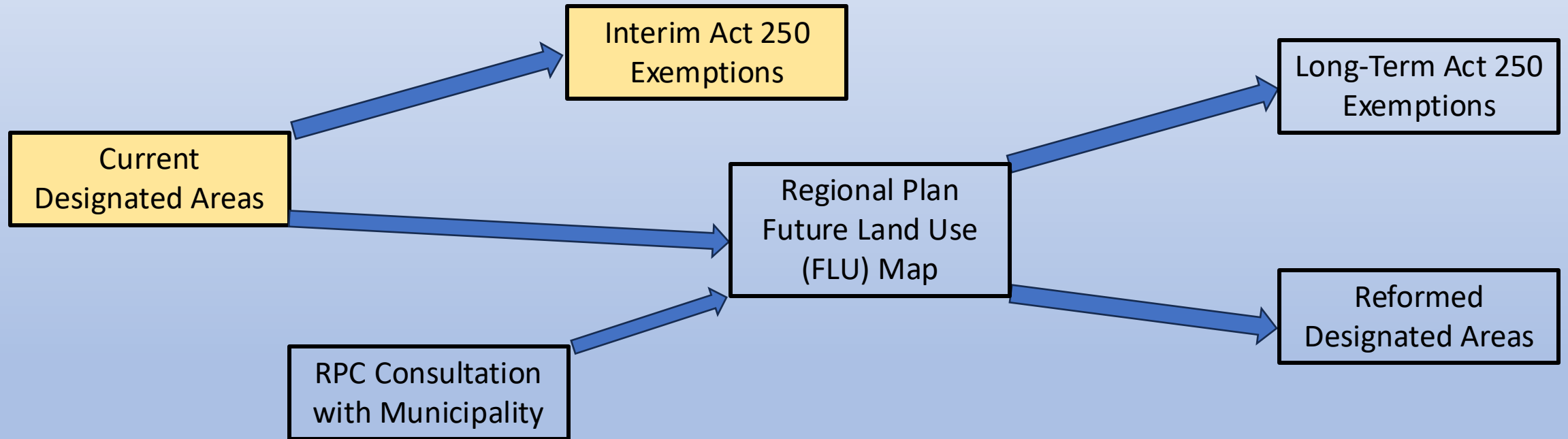
Do not include mapped:

- River corridors
- Flood hazard areas

Must have:

- Permanent zoning and subdivision bylaws
- Public sewer or water services or soils adequate for wastewater disposal

Act 250 Reform – Interim (Through 2026)



Act 250 Reform – Interim (Through 2026)

Brief tour of **Interim Act 250 Exemption Map**

- Is your designated area exempt?

One thing to watch out for:

Map says "Zoning/Bylaws: N" but your town has zoning?

- *Need subdivision bylaws*
 - *Can be combined with zoning or standalone subdivision bylaws*

Act 250 Reform – Interim (Through 2026) – To Do

Apply for designations by October 2025

- Ideally earlier to allow for application review

Check requirements for interim Act 250 exemptions

- May need to adopt subdivision bylaws and/or meet other requirements

See next section for long-term Act 250 exemption procedure

More info

- Interim Act 250 Housing Exemptions FAQs:
<https://act250.vermont.gov/sites/act250/files/documents/FAQ%20Interim%20Housing%20Exemptions%20091124.pdf>

State Designation and **Act 250** Reform
Need to Know

Act 250 Reform – Long-Term (Starting 2027)

Starting 2027: three tiers of Act 250 review, based on location

- Tier 1: Looser (promote development)
 - Tier 1A: Full Act 250 exemption
 - Tier 1B: Partial Act 250 exemption – up to 50 housing units
- Tier 2: Status quo
- Tier 3: Stricter (promote conservation)

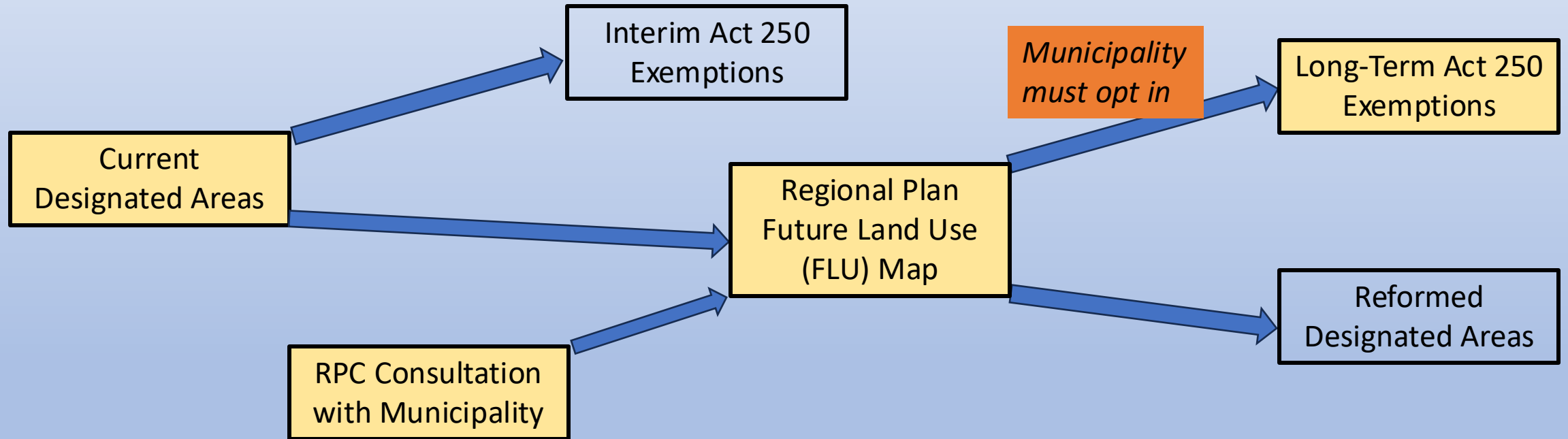
Act 250 Reform – Long-Term (Starting 2027)

Long-term Act 250 exemptions based on Regional Plan FLU Map

Municipalities with eligible areas need to opt in to Tier 1A or Tier 1B for long-term Act 250 exemptions

Land Use Review Board determines Tier 3 area (RPC and municipality not involved – rules TBD)

Act 250 Reform – Long-Term (Starting 2027)



Act 250 Reform – Long-Term (Starting 2027)

Regional Plan Future Land Use Categories									
	Downtown Center	Village Center	Planned Growth Area	Village Area	Transition (optional)	Enterprise	Resource-Based Recreation	Rural	
								Hamlet	General
								Ag/Forest	Conservation
State Designation / Community Investment									
	Center		Neighborhood						
Act 250									
	Tier 2: Status Quo								
	Tier 1a: Full Exemption – 'consistent with' FLU								
	Tier 1b: Partial Exemption								Tier 3

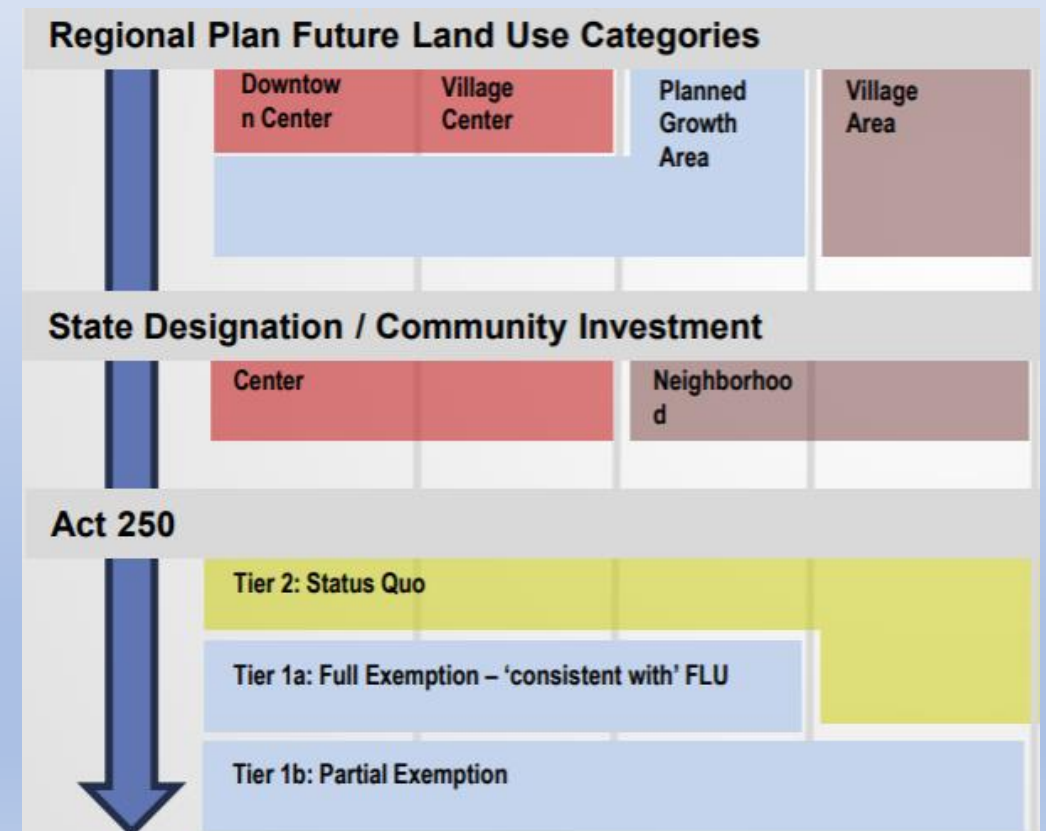
Tier 3 subject to rulemaking; not derived from regional maps.

This table represents land use, designation, and Act 250 jurisdiction categories, not land area acreage or percentage of land area.

Act 250 Reform – Long-Term (Starting 2027) – To Do

Towns consult with RPCs on Regional Plan FLU Map categories (Winter – Spring 2025)

- Consistent statewide FLU mapping methodology – municipalities have input
 - Example: adjust Planned Growth Area boundaries to include planned water and wastewater expansion



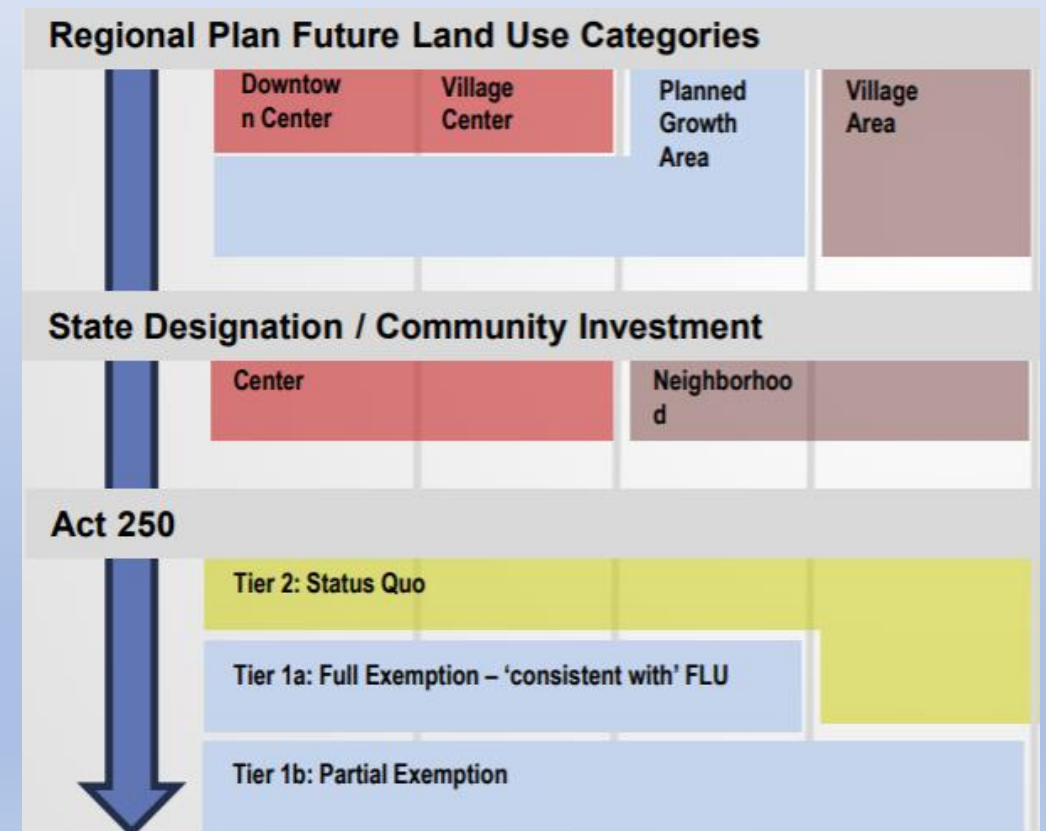
Act 250 Reform – Long-Term (Starting 2027) – To Do

Opt in to Tier 1A or Tier 1B Act 250 Exemptions

- Tier 1B:
 - Letter of support from municipality
 - Land Use Review Board approves Tier 1B status during approval of Regional Plan FLU Map
 - Starting 2025
- Tier 1A:
 - Municipality applies directly to the Land Use Review Board
 - Starting 2026

Check requirements for Tier 1A and Tier 1B

- May need to adopt subdivision bylaws and/or meet other requirements



Flood Safety Act

New state permit for development in

- Floodplains
- River corridors

Starts January 1, 2028

Exemptions TBD

More info

- Summary: <https://legislature.vermont.gov/Documents/2024/Docs/ACTS/ACT121/ACT121%20Act%20Summary.pdf>
- Full text: <https://legislature.vermont.gov/Documents/2024/Docs/ACTS/ACT121/ACT121%20As%20Enacted.pdf>

Flood Safety Act

Definitions:

- Floodplain = inundation hazard area
(Building is underwater)
- River corridor = erosion hazard area
(Ground washes out beneath building)



Floodplain Inundation – Barre, 2023



River Corridor Erosion – Plainfield, 2024

More info

- VT interactive floodplain and river corridor maps: https://floodready.vermont.gov/assessment/vt_floodready_atlas#atlas
- FEMA Flood Map Service Center: <https://msc.fema.gov/portal/advanceSearch>

Flood Safety Act – To Do

Tell residents developing in floodplain and river corridor about **new permit** – Department of Environmental Conservation (starting 2028)

Update flood hazard **bylaws** to state standard

- Link to model bylaws below

More info

- Model flood hazard bylaws: <https://dec.vermont.gov/watershed/rivers/river-corridor-and-floodplain-protection/municipal-assistance#Bylaws>

Flood Safety Act – Act 121

Need to Do

FHA Floodplain Mortgage Regulations

New homes in floodplain:

- At least **2 feet above the Base Flood Elevation** to qualify Federal Housing Administration (FHA) Mortgage Insurance

Definitions:

Base Flood Elevation = Height of floodwaters in FEMA-mapped 100-year flood

Home elevation = Bottom of lowest habitable floor

Does not affect existing, Substantially Damaged, or Substantially Improved structures

More info

- Summary: <https://floodready.vermont.gov/news/jan-1-alert-new-homes-floodplain-must-be-elevated-financing>
- HUD Rule: <https://www.federalregister.gov/documents/2024/04/23/2024-06246/floodplain-management-and-protection-of-wetlands-minimum-property-standards-for-flood-hazard>

FHA Floodplain Mortgage Regulations – To Do

Tell residents developing new homes in floodplains about **new elevation requirement**

Update flood hazard **bylaws** to state standard

- Link to model bylaws below

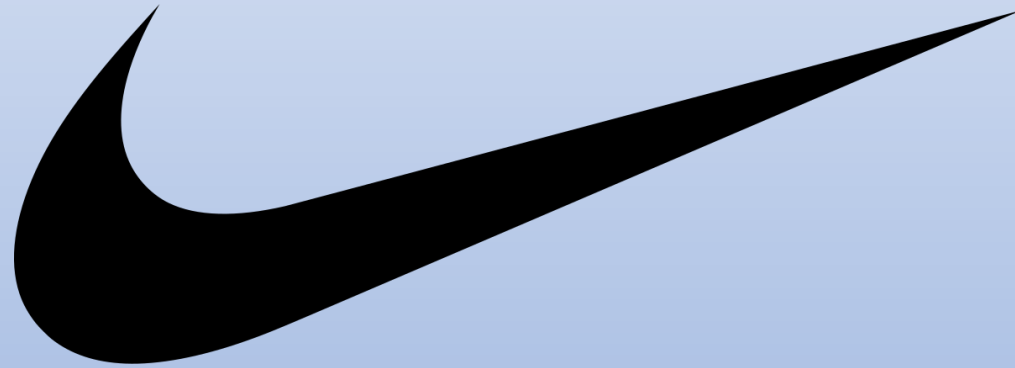
More info

- Model flood hazard bylaws: <https://dec.vermont.gov/watershed/rivers/river-corridor-and-floodplain-protection/municipal-assistance#Bylaws>

FHA Floodplain Mortgage Regulations
Need to Do

Appendix 1: To Do

(Same to-do lists as before, you just don't have to scroll around for them)



HOME Act: Zoning for Housing – To Do

Tell residents who want to convert or construct ADUs, convert single-unit dwellings to duplexes, etc. about **new opportunities**

Update municipal bylaws and **municipal plans** to new standards

- Funding source: Municipal Planning Grant (competitive)
 - Link to grant application below, CVRPC happy to assist

More info

- Municipal Planning Grant Application: <https://accd.vermont.gov/community-development/funding-incentives/municipal-planning-grant>

HOME Act: Zoning for Housing
Need to Do

State Designation Program – To Do

Current program:

- Apply to DHCD for new designations by October 2025

Or

Reformed program:

- Get new designations through Regional Plan FLU Map
 - RPC-town consultations Winter – Spring 2025, benefits start 2026

Act 250 Reform – Interim (Through 2026) – To Do

Apply for designations by October 2025

- Ideally earlier to allow for application review

Check requirements for interim Act 250 exemptions

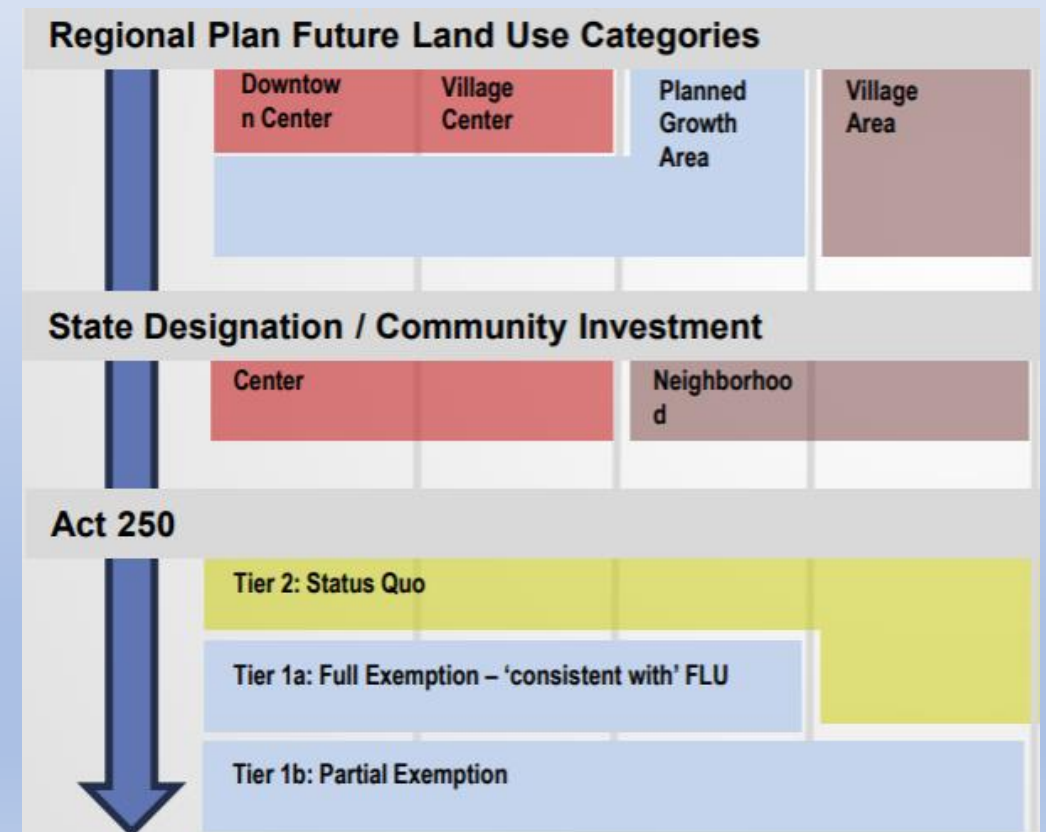
- May need to adopt subdivision bylaws and/or meet other requirements

See next section for long-term Act 250 exemption procedure

Act 250 Reform – Long-Term (Starting 2027) – To Do

Towns consult with RPCs on Regional Plan FLU Map categories

- Consistent statewide FLU mapping methodology – municipalities have input
 - Example: adjust Planned Growth Area boundaries to include planned water and wastewater expansion



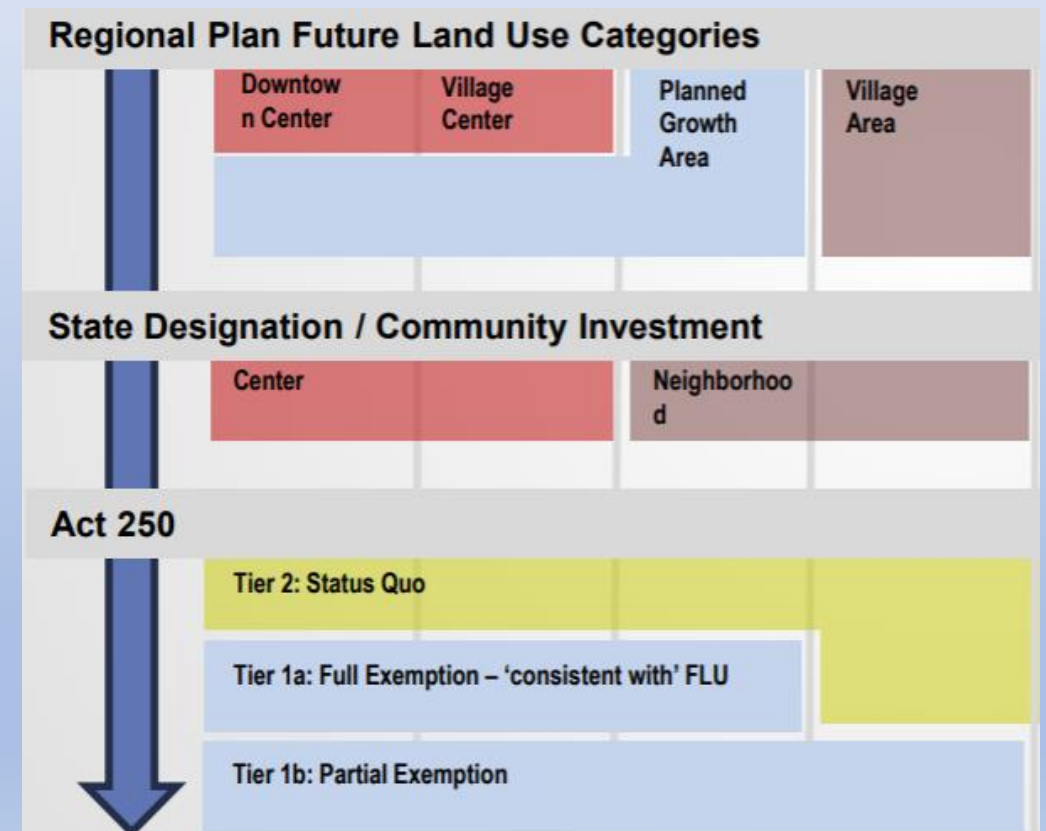
Act 250 Reform – Long-Term (Starting 2027) – To Do

Opt in to Tier 1A or Tier 1B Act 250 Exemptions

- Tier 1B:
 - Letter of support from municipality
 - Land Use Review Board approves Tier 1B status during approval of Regional Plan FLU Map
 - Starting 2025
- Tier 1A:
 - Municipality applies directly to the Land Use Review Board
 - Starting 2026

Check requirements for Tier 1A and Tier 1B

- May need to adopt subdivision bylaws and/or meet other requirements



Flood Safety Act – To Do

Tell residents developing in floodplain and river corridor about **new permit** – Department of Environmental Conservation (starting 2028)

Update flood hazard **bylaws** to state standard

- Link to model bylaws below

More info

- Model flood hazard bylaws: <https://dec.vermont.gov/watershed/rivers/river-corridor-and-floodplain-protection/municipal-assistance#Bylaws>

Flood Safety Act – Act 121

Need to Do

FHA Floodplain Mortgage Regulations – To Do

Tell residents developing new homes in floodplains about **new elevation requirement**

Update flood hazard **bylaws** to state standard

- Link to model bylaws below

More info

- Model flood hazard bylaws: <https://dec.vermont.gov/watershed/rivers/river-corridor-and-floodplain-protection/municipal-assistance#Bylaws>

FHA Floodplain Mortgage Regulations
Need to Do

Appendix 2: Even More Info

(Same links as before plus some new ones for your deep-diving pleasure)



Even More Info: Zoning for Housing – Act 47 (HOME Act)

Act 47 Full Text

<https://legislature.vermont.gov/Documents/2024/Docs/ACTS/ACT047/ACT047%20As%20Enacted.pdf>

Act 47 Summary – Office of Legislative Counsel

<https://legislature.vermont.gov/Documents/2024/Docs/ACTS/ACT047/ACT047%20Act%20Summary.pdf>

Act 47 Summary – Vermont Natural Resources Council

<https://vnrc.org/s-100-the-home-bill/>

Zoning for Great Neighborhoods Guide (Bylaw Guidance) – Department Of Housing and Community Development

<https://accd.vermont.gov/content/zoning-for-great-neighborhoods>

Bylaw Reporting Form (Lists Statutory Requirements) – Department Of Housing and Community Development

https://outside.vermont.gov/agency/ACCD/ACCD_Web_Docs/CD/CPR/Resources-and-Rules/CPR-Bylaw-ReportingForm.pdf

HOME Act FAQs – Department Of Housing and Community Development

https://outside.vermont.gov/agency/ACCD/ACCD_Web_Docs/CD/CPR/Resources-and-Rules/CPR-Act47-FAQ-8-4-2023-Provisional.pdf

Memo to Towns – Department Of Housing and Community Development

<https://hardwickvt.gov/wp-content/uploads/2023/07/DHCD-Planning-Act47-PreliminarySummary-v2.pdf>

Even More Info: State Designation and Act 250 Reform – Act 181

Act 181 Full Text

<https://legislature.vermont.gov/Documents/2024/Docs/ACTS/ACT181/ACT181%20As%20Enacted.pdf>

Act 181 Summary – Office of Legislative Counsel

<https://legislature.vermont.gov/Documents/2024/Docs/ACTS/ACT181/ACT181%20Act%20Summary.pdf>

Designation Manual – Department Of Housing and Community Development

https://outside.vermont.gov/agency/ACCD/ACCD_Web_Docs/CD/CPR/State-Designation-Programs/DHCD-Planning-Manual-Module2.pdf

State Designation Map – Department Of Housing and Community Development

<https://maps.vermont.gov/ACCD/Html5Viewer/index.html?viewer=PlanningAtlas>

Interim Act 250 Exemption Map – Land Use Review Board

<https://experience.arcgis.com/experience/d96022b7dce64945a326e7bf98a2f365/>

Interim Act 250 Housing Exemptions Guidance – Land Use Review Board

<https://act250.vermont.gov/sites/act250/files/documents/Interim%20Housing%20Exemptions%20Guidance.pdf>

Interim Act 250 Housing Exemptions FAQs – Land Use Review Board

<https://act250.vermont.gov/sites/act250/files/documents/FAQ%20Interim%20Housing%20Exemptions%20091124.pdf>

Interim Act 250 Exemptions In Use – VTDigger, map by VT Public

<https://vtdigger.org/2024/12/11/vermont-loosened-act-250-rules-for-housing-heres-where-developers-are-responding/>

Act 181 Summary – Vermont Natural Resources Council

<https://www.vlct.org/sites/default/files/uploads/resources/documents/town-fair-four-key-take-aways-from-act-181-slides-desk-copy.pdf>

Act 181 Summary – Chittenden County Regional Planning Commission

https://www.ccrpcvt.org/wp-content/uploads/2024/11/Act-181-2-Pager_20241119.pdf

Act 181 Training – Vermont League of Cities and Towns

<https://www.vlct.org/sites/default/files/uploads/resources/documents/town-fair-four-key-take-aways-from-act-181-slides-desk-copy.pdf>

Act 181 Training – Agency of Natural Resources

<https://anr.vermont.gov/sites/anr/files/documents/Muni%20DAY%20Presentation%2020241101-PG1.pdf>

Act 181 Training – Vermont Council on Rural Development

<https://www.vtrural.org/wp-content/uploads/P10s.Act250Modernization.pdf>

Even More Info: Flood Safety Act – Act 121

Act 121 Full Text

<https://legislature.vermont.gov/Documents/2024/Docs/ACTS/ACT121/ACT121%20As%20Enacted.pdf>

Act 121 Summary – Office of Legislative Counsel

<https://legislature.vermont.gov/Documents/2024/Docs/ACTS/ACT121/ACT121%20Act%20Summary.pdf>

Floodplain and River Corridor Maps – Agency of Natural Resources

https://floodready.vermont.gov/assessment/vt_floodready_atlas#atlas

Floodplain Maps – Federal Emergency Management Agency

<https://msc.fema.gov/portal/advanceSearch>

Model Flood Hazard Bylaws – Department of Environmental Conservation

<https://dec.vermont.gov/watershed/rivers/river-corridor-and-floodplain-protection/municipal-assistance#Bylaws>

Act 121 Summary – The Nature Conservancy

https://www.nature.org/content/dam/tnc/nature/en/documents/Flood_Safety_Act_Infographic.pdf

Act 121 Webinar – The Nature Conservancy

<https://floodready.vermont.gov/news/recording-vermonts-flood-safety-act-tnc-9192024>

Act 121 Press Release – Vermont River Conservancy

<https://vermontriverconservancy.org/news/flood-safety-act>

Even More Info: FHA Floodplain Mortgage Regulations

US Department of Housing and Urban Development Rule Full Text

<https://www.federalregister.gov/documents/2024/04/23/2024-06246/floodplain-management-and-protection-of-wetlands-minimum-property-standards-for-flood-hazard>

Floodplain and River Corridor Maps – Agency of Natural Resources

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Floodplain Maps – Federal Emergency Management Agency

<https://msc.fema.gov/portal/advanceSearch>

Model Flood Hazard Bylaws – Department of Environmental Conservation

<https://dec.vermont.gov/watershed/rivers/river-corridor-and-floodplain-protection/municipal-assistance#Bylaws>

Alert – Department of Environmental Conservation

<https://floodready.vermont.gov/news/jan-1-alert-new-homes-floodplain-must-be-elevated-financing>

Info Sheet – Department of Environmental Conservation

<https://floodready.vermont.gov/sites/floodready/files/documents/RCP/Elevate%20Flyer.pdf>

Federal Flood Risk Management Standard FAQs – US Department of Housing and Urban Development

https://www.hud.gov/program_offices/comm_planning/environment_energy/ffrms/faqs