

1 **Proposed Amendment # 2: Equal Treatment of Housing**
2 **(Statutory updates related to affordable housing, mobile homes, etc.)**
3

4 **Section 3.4 Equal Treatment of Housing**
5

6 (A) In accordance with the Act [§ 4412(1)], no provision of these regulations shall have the effect of
7 excluding the following from the Town of Bolton:
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- 9 (1) mobile homes, modular housing, or other forms of prefabricated housing ~~from the town~~, except upon
10 the same terms and conditions as conventional housing is excluded;
11
12 (2) housing necessary to meet the needs of the local population, as identified in the *Bolton Town Plan*;
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14 (3) mobile home parks, as defined by the state [10 V.S.A. Chapter 153] (see Section 4.15);
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16 (4) multi-family dwellings;
17
18 (5) ~~as a permitted use~~ one (1) accessory dwelling, allowed as a permitted use, that is located within or
19 appurtenant to an owner-occupied single family dwelling, which does not exceed 30 percent of the
20 total habitable floor area of the principal dwelling, and which meets applicable setback, coverage and
21 parking requirements ~~of these regulations~~, and which is located outside of a designated flood hazard
22 area or river corridor protection area (see Section 4.2); or
23
24 (6) a state or licensed or registered residential care home, or group home, serving not more than eight (8)
25 persons who have a ~~handicap~~ or disability as defined by the state [9 V.S.A. § 4501], which shall be
26 considered by right to constitute a permitted single family residential use of property, except that no
27 such home shall be so considered if it is to be ~~located~~ within 1,000 feet of another such home (see
28 Section 4.12).
29

30 As required by the Act, provisions have been made for each of the above types of housing, within
31 designated zoning districts where applicable.
32

33 (B) No provision of these regulations, nor their application, shall have the effect of discriminating in land
34 use decisions or the permitting of housing as specified in 9 V.S.A. § 4503. Accordingly, it shall be
35 unlawful for any person or board to discriminate in the permitting of housing because of race, sex, sexual
36 orientation, gender identity, age, marital status, religions creed, color, national origin, disability, the
37 presence of one or more minor children, income, or because of the receipt of public assistance, except as
38 otherwise allowed by law for age-restricted housing. An aggrieved person under this section may file a
39 charge of discrimination with the Human Rights Commission pursuant to 9 V.S.A. Chapter 141 or bring
40 an action for injunctive relief and damages in the Chittenden County Superior Court.
41

42 (C) Challenges to the housing provisions of these regulations may also be brought to the Vermont
43 Attorney General for investigation under 24 V.S.A. § 4453 to determine whether the regulations, or their
44 manner of administration, has violated the requirements of this section regarding the equal treatment of
45 housing and the adequate provision of affordable housing.
46

47 **Section 4.12 Group Home**
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49 (A) In accordance with the Act [§ 4412(1)(G)], a state licensed or registered residential care home or
50 group home, serving not more than eight (8) persons who ~~are developmentally disabled or physically~~

handicapped, have a disability as defined in 9 V.S.A. § 4501 shall be considered by right to constitute a single family residential use of property. ~~except that no home shall be so considered if it locates within 1,000 feet of another such home. A zoning permit under Section 9.3 shall be required only for purposes of documenting and recording the use in the land records of the town.~~ No zoning permit shall be required for the use of an existing single family dwelling as a group home serving eight (8) or fewer persons.

(B) Other types of residential care facilities may be allowed in designated zoning districts as conditional uses subject to conditional use review under Section 5.4.

Section 4.15 Mobile Home Park

(A) In accordance with the Act [§ 4412((B)], no municipal zoning regulation shall have the effect of excluding mobile home parks from the town. New and expanded mobile home parks may be allowed in designated districts subject to conditional use review in accordance with Section 5.4 and the following provisions:

...

(D) In accordance with the Act [§ 4412(7)(B)], if a mobile home park legally in existence as of the effective date of these regulations is determined to be nonconforming under these regulations, its nonconforming status shall apply only to the park as a whole, and not to individual mobile home sites within the park. Accordingly, the requirements of Section 3.8 shall not apply to an individual mobile home site for the purpose of replacing an existing mobile home on the site with a mobile home of the same or larger footprint, ~~as long as a distance of at least 10 feet is maintained from adjoining mobile home sites.~~ Sites within an existing park that are vacated shall not be considered discontinued or abandoned. Any mobile home within the mobile home park may be altered, expanded or replaced on an existing mobile home site provided that adequate water and wastewater capacity exists, and the expansion or replacement will not:

- (1) Be sited less than **thirty (30)** feet from an adjoining mobile home or other principal structure;
- (2) Obstruct or prohibit access to ingress or egress to, or the replacement of, an adjoining mobile home or other principal structure; or
- (3) Obstruct existing rights-of-way or utilities, or prohibit the provision of emergency services.; or
- (4) Otherwise threaten the public health, safety or general welfare of park residents.

Should these standards have the effect of prohibiting mobile home replacement on an existing site, the DRB may reduce the minimum required separation distance between principal structures, subject to review under Section 9.6(B) (Waivers), if the reduction represents the minimum deviation from these standards, fire and safety considerations are addressed, and any adverse impacts to adjoining properties are minimized through siting, landscaping screening or other similar measures.

Section 10.2 Definitions

Affordable Housing: As defined under 24 V.S.A. § 4303 to include H housing that is either: (1) owned by its inhabitants, whose gross annual household income does not exceed 80 percent of the median income for Chittenden County, as defined by the United States Department of Housing and Urban Development, and the total annual cost of the housing, including principal, interest, taxes and insurance, is not more than 30 percent of the household's gross annual income; or (2) rented by its inhabitants whose gross annual household income does not exceed 60 percent of the median income for Chittenden County, as defined by the United States Department of Housing and Urban Development, and the total annual cost of the housing, including rent, utilities, and condominium association fees, is not more than

1 ~~30 percent of the household's gross annual income.~~

2 (1) Owner-occupied for which the total annual cost of ownership (principal, interest, taxes, insurance and
3 condominium fees) does not exceed 30 percent of the gross annual income of a household at 120 percent
4 of the highest of the following; or (2) renter-occupied for which the total annual cost of renting (rent,
5 utilities and association fees) does not exceed 30% of the gross annual income of a household at 80% of
6 the highest of the following, as defined by the U.S. Department of Housing and Urban Development
7 (HUD): (a) the Chittenden County median income; (b) the median income reported for the Burlington-
8 South Burlington Metropolitan Statistical Area (MSA); or (c) the statewide median income.

9 **“Perpetually affordable”** shall mean housing that meets the affordability requirements of these
10 regulations for a minimum period of 99 years from the date of first sale or lease.

11
12 **Group Home:** In accordance with the Act [§ 4412(1)], a residential care home operating under state
13 licensing or registration, which serves not more than eight (8) persons who have a ~~handicap~~ or **disability**
14 as defined in state statutes (9 V.S.A. 4501) and meets the requirements of Section 4.12. See also
15 Residential Care Facility.

16
17 **Mobile Home:** ~~A prefabricated single family dwelling unit which: (1) is designed for continuous~~
18 ~~residential occupancy; (2) is designed to be moved on wheels, as a whole or in sections, (3) on~~
19 ~~arrival at the site, is complete and ready for occupancy except for incidental unpacking,~~
20 ~~assembly, and placing on supports or a permanent foundation, or installation as a unit in a~~
21 ~~previously prepared structure; and (4) contains the same water supply and wastewater disposal~~
22 ~~systems as immovable housing (see Section 3.4). See also Camper; Dwelling, Single Family;~~
23 ~~Mobile Home Park.~~

24 A structure or type of manufactured home that is built on a permanent chassis and is designed to be used
25 as a dwelling with or without a permanent foundation when connected to the required utilities, including
26 the plumbing, heating, cooling, and electrical systems contained in the structure, and is: (1) transportable
27 in one or more sections; and is (2) at least eight feet wide or 40 feet long or when erected has at least 320
28 square feet, or if the structure was constructed prior to June 15, 1976, at least eight feet wide or 32 feet
29 long; or (3) any structure that meets these requirements except for the size requirements, and for which
30 the manufacturer voluntarily files a certification required by the U. S. Department of Housing and Urban
31 Development and complies with the construction and standards established under Title 42 of he U.S.
32 Code [10 V.S.A. s 6201(1)] (see Section 3.4). See also Camper; Dwelling, Single Family; Mobile Home
33 Park.

34
35 **Mobile Home Park:** ~~A parcel of land under single or common ownership or control which~~
36 ~~contains, or is designed, laid out or adapted to accommodate, three (3) or more mobile homes to~~
37 ~~be occupied for living purposes (see Sections 3.4 and 4.15). See also Mobile Home.~~

38 A parcel or contiguous lots of land under common ownership or control on which are sited, or which is
39 designed, laid out or adapted to accommodate three (3) or more mobile homes.. A parcel or contiguous
40 lots owned by an agricultural employer for use by full-time workers or employees, and a parcel or
41 contiguous lots used solely on a seasonal basis for vacation or recreational mobile homes shall not be
42 considered a mobile home park (see Sections 3.4 and 4.15). See also Campground, Mobile Home.
43

44 *****Note also proposed amendments for the issuance of Certificates of Occupancy under**
45 **Article 9, related to MHs, MHPs...new HUD requirements.**