

CONFIDENTIAL
LEGISLATIVE BILL REVIEW FORM: 2014

Bill Number: S.168

Name of Bill: An act relating to making miscellaneous amendments to laws governing municipalities

Agency/Dept: ACCD

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Date of Bill Review: May 7, 2014

Status of Bill: (check one): ☐ Upon Introduction ☐ As passed by 1st body ☒ As passed by both bodies

Recommended Position:

☒ Support ☐ Oppose ☐ Remain Neutral ☐ Support with modifications

Analysis of Bill

1. Summary of bill and issue it addresses.

S.168 (Municipal Tool Box Bill) is a technical corrections bill that addresses municipal statutes that are unclear, obsolete or have unintended consequences. The most notable element of the bill is that it gives municipalities the clear authority to “condemn to be destroyed” post-disaster – which will help ensure homeowners have the ability to access full assistance through FEMA’s Individual Assistance Program.

The Senate concurred with House amendments to the Senate-passed version. A section-by-section summary of the bill follows.

Sections 1, 2, & 4 [Section 3 Deleted]

Gives municipal legislative body authority to appoint animal control officer (as opposed to elect) and regulate the licensing of domestic pets and wolf-hybrids.

Section 5

Removes “collector of current taxes” from town officer positions. Current taxes are almost always paid to the Treasurer (with the exception of Mt. Tabor & Groton.)

Section 6

Specifies when & how delinquent tax collectors are appointed and removed.

Section 7

Prohibits cemetery commissioners from being town auditors or treasurers. Cemetery commissioners handle money and so the separation of responsibility is a best practice.

Section 8

Requires legislative body to set out Historic Preservation committee responsibilities in writing. Also gives the legislative body the authority to define the responsibilities of the housing commission.

Section 9

Makes explicit that planning commissions may have alternates.

Section 10 – Deleted. Would have clarified required frontage for land use development on Class 4 roads.

Section 11

Empowers municipalities to require the owner of a house or other building to which a number has been assigned to affix the number, including the assigned 911 address, to the structure, sign, or number post so that it is clearly visible from the road.

When a disaster or emergency has been declared by the Governor, a municipal building inspector, health officer, fire marshal, or zoning administrator may declare condemned to be destroyed a property that has been damaged in the disaster or emergency and is dangerous to life, health, or safety due to the disaster-related damage. The local legislative body may require that an official receive training on disaster-related condemnation before he or she may condemn property under this subdivision. The owner of property condemned under this subdivision may appeal the condemnation according to the condemnation appeals procedure of chapter 83 of this title, provided that any appeal to the Superior Court shall be to the Civil Division.

Section 11a

Requires the Department of Health, in consultation with the Department of Housing and Community Development and the Department of Public Safety to develop condemnation guidance for inclusion in disaster training and education for local officials.

2. Is there a need for this bill?

Yes, this bill is necessary. Most importantly, the bill gives municipalities the authority to “condemn to be destroyed” post-disaster. This is necessary because in order for Vermonters to qualify for maximum disaster assistance payments from FEMA when a disaster is declared, municipal officers must be able to “declare a property to be destroyed.”

3. What are likely to be the fiscal and programmatic implications of this bill for this Department?

The bill requires this department to work in conjunction with the Departments of Health and Public Safety to develop condemnation guidance for inclusion in disaster training and education for local officials.

4. What might be the fiscal and programmatic implications of this bill for other departments in state government, and what is likely to be their perspective on it?

The Department of Health has been tasked with the lead on creating the guidance in condemnation and making it available at trainings. As the Department of Health currently provides resources and training for Town Health Officers, this new task should have minor programmatic implications.

5. What might be the fiscal and programmatic implications of this bill for others, and what is likely to be their perspective on it?

The requirement to have legislative bodies set the Historic Preservation Commissions responsibilities in a written document approved by a majority vote of the local legislative body creates work for municipal legislative bodies and their Historic Preservation Commissions. In many instances, it could simply result in the ratification of the existing rules of procedure. It seems likely that that this requirement will be ignored by most municipalities; however, since the committees are only advisory and not authorized to make any decisions – it may not matter (their actions are not appealable.)

The broadened authority to declare a property condemned has the potential to expand the responsibilities and expectations on Town Health Officers, which may be met with reluctance from some. However, the potential for more rapid recovery post-disaster should be appealing to the public and municipalities, particularly those who were forced to work through the FEMA appeal process after Irene.

6. Other Stakeholders:

6.1 Who else is likely to support the proposal and why?

Municipalities support these technical corrections and the condemnation authority. The Vermont League of Cities and Towns developed most of the bill language. The Vermont Affordable Housing Coalition supports the condemnation sections.

6.2 Who else is likely to oppose the proposal and why?

The Vermont Bankers Association has concerns re: the notification of property owners & banks of condemned property. It asked that a notification requirement be added to the disaster condemnation section. House Government Operations declined to make the change as the request came very late in the process and is a larger issue than what was being dealt with in the bill. VBA did not pursue aggressively.

7. Rationale for recommendation:

Support. It gives municipalities the clear authority to “condemn to be destroyed” post-disaster – which will give homeowners the ability to more quickly access full assistance through FEMA’s Individual Assistance Program. And supports other technical corrections requested by VLCT’s membership.

8. Specific modifications that would be needed to recommend support of this bill:

None.

Secretary/Commissioner has reviewed this document:

Lucy Leriche

Date: May 7, 2014