

Journal of the House

Wednesday, June 23, 2021

VETO SESSION

At ten o'clock in the forenoon the Speaker called the House to order.

Devotional Exercises

A moment of silence was held in lieu of a devotional.

Pledge of Allegiance

Speaker Krowinski led the House in the Pledge of Allegiance.

Member Appointments Announced

The Speaker announced the following House member appointments:

Pursuant to 2021, Act 51, Sec. 14a, the following members were appointed to the Unemployment Insurance Study Committee:

The member from Coventry, Rep. Marcotte

The member from Brattleboro, Rep. Kornheiser

Pursuant to 2 V.S.A. § 651, the following members were appointed to the Legislative Advisory Committee on the State House:

The member from Springfield, Rep. Emmons

The member from Calais, Rep. Ancel

The member from Pittsford, Rep. Shaw

The member from Hartland, Rep. Bartholomew

Pursuant to 2021, Act 59, Sec. 2, the following members were appointed to the Task Force on the Implementation of the Pupil Weighting Factors Report:

The member from Brattleboro, Rep. Kornheiser

The member from Manchester, Rep. James

The member from Cornwall, Rep. Conlon

The member from St. Johnsbury, Rep. Beck

Pursuant to 2015, Act 60, Sec. 23, as amended by 2018, Act 207, Section 2, the following members were appointed to the Joint Legislative Child Protection Oversight Committee:

The member from South Burlington, Rep. Pugh

The member from Londonderry, Rep. Pajala

The member from Middlesex, Rep. Jessup

Pursuant to 2021, Act 74, Sec. E.126b, the following members were appointed to the Task Force on Affordable, Accessible Health Care:

The member from Hinesburg, Rep. Lippert

The member from Essex, Rep. Houghton

The member from Northfield, Rep. Donahue

Pursuant to 2021, Act 75, Sec. 10, the following members were appointed to the Pension Benefits, Design, and Funding Task Force:

The member from Bradford, Rep. Copeland Hanzas

The member from Wilmington, Rep. Gannon

The member from Rutland City, Rep. Fagan

Action on Bill Postponed

S. 78

Senate bill, entitled

An act relating to binding interest arbitration for employees of the Vermont Judiciary

Was taken up, and pending the reading of the report of the Committee on General, Housing, and Military Affairs, on motion of **Rep. Walz of Barre City**, action on the bill was postponed until January 5, 2022.

Rules Suspended; Governor's Veto Overridden; Rules Suspended; Bill Messaged to Senate Forthwith

H. 177

On motion of **Rep. McCoy of Poultney**, the rules were suspended and House bill, entitled

An act relating to approval of an amendment to the charter of the City of Montpelier

Appearing on the Calendar for Notice, was taken up for immediate consideration.

Pursuant to Chapter 2, Section 11, of the Vermont Constitution, the Clerk proceeded to call the roll. The question, Shall the bill pass, notwithstanding the

Governor's refusal to approve the bill?, was decided in the affirmative. Yeas, 103. Nays, 47. (The necessary two-thirds vote having been attained.)

Those who voted in the affirmative are:

Ancel of Calais	Gannon of Wilmington	Ode of Burlington
Anthony of Barre City	Goldman of Rockingham	Pajala of Londonderry
Arrison of Weathersfield	Grad of Moretown	Partridge of Windham
Austin of Colchester	Hooper of Montpelier *	Patt of Worcester
Bartholomew of Hartland	Hooper of Randolph	Pearl of Danville
Birong of Vergennes	Hooper of Burlington	Pugh of South Burlington
Black of Essex	Houghton of Essex	Rachelson of Burlington
Bluemle of Burlington	Howard of Rutland City	Redmond of Essex
Bock of Chester	James of Manchester	Rogers of Waterville
Bongartz of Manchester	Jerome of Brandon	Satcowitz of Randolph
Bos-Lun of Westminster	Jessup of Middlesex	Scheu of Middlebury
Brady of Williston	Killacky of South Burlington	Sheldon of Middlebury
Briglin of Thetford	Kimbell of Woodstock	Sibilia of Dover
Brown of Richmond	Kitzmiller of Montpelier	Sims of Craftsbury
Brownell of Pownal	Kornheiser of Brattleboro	Small of Winooski
Brumsted of Shelburne	Krowinski of Burlington	Squirrel of Underhill
Burke of Brattleboro	LaLonde of South	Stebbins of Burlington
Burrows of West Windsor	Burlington	Stevens of Waterbury
Campbell of St. Johnsbury	Lanpher of Vergennes	Sullivan of Dorset
Chase of Colchester	Lefebvre of Newark	Surprenant of Barnard
Christie of Hartford	Lippert of Hinesburg	Taylor of Colchester
Cina of Burlington	Long of Newfane	Till of Jericho
Coffey of Guilford	Masland of Thetford	Toleno of Brattleboro
Colburn of Burlington	McCarthy of St. Albans City	Townsend of South
Colston of Winooski	McCormack of Burlington	Burlington
Conlon of Cornwall	McCullough of Williston	Troiano of Stannard
Copeland Hanzas of	Morris of Springfield	Vyhovsky of Essex
Bradford	Mrowicki of Putney	Walz of Barre City
Corcoran of Bennington	Mulvaney-Stanak of	Webb of Shelburne
Cordes of Lincoln	Burlington	White of Bethel
Dolan of Essex	Murphy of Fairfax	White of Hartford
Dolan of Waitsfield	Nicoll of Ludlow	Whitman of Bennington
Donnally of Hyde Park	Nigro of Bennington	Wood of Waterbury
Durfee of Shaftsbury	Notte of Rutland City	Yacovone of Morristown
Elder of Starksboro	Noyes of Wolcott	Yantachka of Charlotte
Emmons of Springfield	O'Brien of Tunbridge	

Those who voted in the negative are:

Achey of Middletown	Harrison of Chittenden	Page of Newport City
Springs	Helm of Fair Haven	Palasik of Milton
Batchelor of Derby	Higley of Lowell	Parsons of Newbury
Beck of St. Johnsbury	LaClair of Barre Town	Peterson of Clarendon
Brennan of Colchester	Lefebvre of Orange	Rosenquist of Georgia
Burditt of West Rutland	Leffler of Enosburgh	Savage of Swanton
Canfield of Fair Haven	Marcotte of Coventry	Scheuermann of Stowe

Cupoli of Rutland City	Martel of Waterford	Seymour of Sutton
Dickinson of St. Albans Town	Martin of Franklin	Shaw of Pittsford
Donahue of Northfield	Mattos of Milton	Smith of Derby
Fagan of Rutland City	McCoy of Poultney	Smith of New Haven
Feltus of Lyndon	McFaun of Barre Town	Strong of Albany
Goslant of Northfield	Morgan, L. of Milton	Terenzini of Rutland Town
Graham of Williamstown	Morgan, M. of Milton	Toof of St. Albans Town
Gregoire of Fairfield	Morrissey of Bennington	Williams of Granby
Hango of Berkshire	Norris of Sheldon	
	Norris of Shoreham	

Those members absent with leave of the House and not voting are: none

Rep. Hooper of Montpelier explained her vote as follows:

“Madam Speaker:

Montpelier is pleased to welcome non citizens and is fortunate that they are active members of our community. They are volunteers on city boards and committees, active in our schools, library and senior center. They are friends and neighbors helping make Montpelier a great place. It is only right that we acknowledge their importance in our community by asking them to vote on local matters. Montpelier welcomes all to be part of our civic life.”

On motion of **Rep. McCoy of Poultney**, the rules were suspended and the bill was ordered messaged to the Senate forthwith.

**Rules Suspended; Governor's Veto Overridden;
Rules Suspended; Bill Messaged to Senate Forthwith**

H. 227

On motion of **Rep. McCoy of Poultney**, the rules were suspended and House bill, entitled

An act relating to approval of amendments to the charter of the City of Winooski

Appearing on the Calendar for Notice, was taken up for immediate consideration.

Pursuant to Chapter 2, Section 11, of the Vermont Constitution, the Clerk proceeded to call the roll. The question, Shall the bill pass, notwithstanding the Governor's refusal to approve the bill? was decided in the affirmative. Yeas, 103. Nays, 47. (The necessary two-thirds vote having been attained.)

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Birong of Vergennes	Hooper of Burlington	Pugh of South Burlington
Black of Essex	Houghton of Essex	Rachelson of Burlington
Bluemle of Burlington	Howard of Rutland City	Redmond of Essex
Bock of Chester	James of Manchester	Rogers of Waterville
Bongartz of Manchester	Jerome of Brandon	Satcowitz of Randolph
Bos-Lun of Westminster	Jessup of Middlesex	Scheu of Middlebury
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Brownell of Pownal	Kornheiser of Brattleboro	Small of Winooski *
Brumsted of Shelburne	Krowinski of Burlington	Squirrell of Underhill
Burke of Brattleboro	LaLonde of South	Stebbins of Burlington
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Burditt of West Rutland	Leffler of Enosburgh	Savage of Swanton
Canfield of Fair Haven	Marcotte of Coventry	Scheuermann of Stowe
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Dickinson of St. Albans	Martin of Franklin	Shaw of Pittsford
Town	Mattos of Milton	Smith of Derby
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Graham of Williamstown	Morrissey of Bennington	Williams of Granby
Gregoire of Fairfield	Norris of Sheldon	
Hango of Berkshire	Norris of Shoreham	

Those members absent with leave of the House and not voting are: none

Rep. Small of Winooski explained her vote as follows:

“Madam Speaker:

All of Winooski’s residents contribute to our community in a multitude of ways, and together we create the advantageous diversity our community has celebrated for almost 100 years - regardless of citizenship status. This change to our municipal charter will allow any qualified Winooski resident to have a voice in local matters that affect them, their families, and their lives.”

On motion of **Rep. McCoy of Poultney**, the rules were suspended and the bill was ordered messaged to the Senate forthwith.

Joint Resolution Read and Adopted on the Part of the House

J.R.H. 10

Joint resolution relating to final adjournment of the General Assembly 2021.

Offered by: Representative Long of Newfane

Resolved by the Senate and House of Representatives:

That when the President of the Senate and the Speaker of the House of Representatives adjourn their respective houses on the twenty-third, twenty-fourth, twenty-fifth, or twenty-sixth day of June 2021, they shall do so to reconvene on the nineteenth day of October 2021 at ten o’clock in the forenoon on the joint call of the President *pro tempore* of the Senate and the Speaker of the House, or on the fourth day of January 2022 at ten o’clock in the forenoon, if not so jointly called.

Was taken up, read, and adopted on its part.

Senate Notified of Completion of House Business

Upon motion of Rep. McCoy of Poultney, the House directed the Clerk to inform the Senate that the House has completed its business of the veto session and is ready to adjourn pursuant to the provisions of J.R.H. 10.

Adjournment

At eleven o'clock and six minutes in the forenoon, on motion of **Rep. Long of Newfane**, the House adjourned pursuant to the provisions of J.R.H. 10.

Message from the Senate No. 76

A message was received from the Senate by Mr. Bloomer, its Secretary, as follows:

Madam Speaker:

I am directed to inform the House that:

The Senate has considered House proposal of amendment to Senate bill of the following title:

S. 79. An act relating to improving rental housing health and safety.

And has concurred therein.

The Senate has on its part considered the Governor's veto of a House bill of the following title:

H. 177. An act relating to approval of an amendment to the charter of the City of Montpelier.

And has passed the same, the refusal of the Governor to approve notwithstanding.

The Senate has on its part considered the Governor's veto of a House bill of the following title:

H. 227. An act relating to approval of amendments to the charter of the City of Winooski.

And has passed the same, the refusal of the Governor to approve notwithstanding.

The Senate has considered joint resolution originating in the House of the following title:

J.R.H. 10. Joint resolution relating to final adjournment of the General Assembly 2021.

And has adopted the same in concurrence.

Message from the Senate No. 77

A message was received from the Senate by Mr. Bloomer, its Secretary, as follows:

Madam Speaker:

I am directed to inform the House that the Senate has on its part completed the business of the session and is ready to adjourn, pursuant to the provisions of J.R.H. 10.

Message from the Senate No. 78

A message was received from the Senate by Mr. Bloomer, its Secretary, as follows:

Madam Speaker:

I am directed to inform the House that:

The Governor has informed the Senate that on July 2, 2021, he returned without signature and *vetoed* a bill originating in the Senate of the following title:

S. 79. An act relating to improving rental housing health and safety.

Text of Communication from Governor

The text of the communication from His Excellency, the Governor, whereby he vetoed and returned unsigned **Senate Bill No. S. 79**, to the Senate is as follows:

“July 2, 2021

The Honorable John Bloomer, Jr.
Secretary of the Senate
115 State House
Montpelier, VT 05633-5401

Dear Mr. Bloomer:

Pursuant to Chapter II, Section 11 of the Vermont Constitution, I am returning S.79, *An Act Relating to Improving Rental Housing and Safety*, without my signature because I believe this bill would reduce the number of housing options for Vermonters at a time when we are grappling with a critical housing shortage. While we all want safe housing and lodging options for Vermonters and visitors, in my opinion this bill does not accomplish this shared goal.

As you well know, I have repeatedly advocated for improving Vermont’s aging long-term rental housing stock, which is why we used pandemic

emergency housing relief and other funds to initiate innovative housing programs like the Vermont Rental Housing Investment Program and the Vermont Homeownership Revolving Loan Fund. Fortunately, these programs can move forward despite this veto with the dedicated funding included in the Fiscal Year 2022 appropriations bill.

Most agree we suffer from a critical housing shortage for middle income, low income and homeless Vermonters, but the solution is not more regulation. Instead, we need to invest in new and rehabilitated housing in every corner of our state. We need to lower costs to make housing more affordable and we need to ease complicated and duplicative permitting requirements while we have the funding to grow and improve our housing stock. This is what I have proposed since my first year as governor and I will continue to do so.

S.79 targets all rental units in all types of buildings and dwellings with few exceptions. I believe this will discourage everyday Vermonters from offering their homes, rooms or summer cabins for rent, not as a primary business but as a means to supplement their income so they can pay their mortgage as well as their property taxes.

Adding additional restrictions, costs and hoops to jump through will not only reduce the number of long-term rentals, but also short-term lodging options when we have a surge in tourists, including foliage and ski seasons. Tourists and visitors having more lodging options when deciding where to stay makes Vermont more competitive and helps our economy.

I am willing to work with the Legislature to modernize our statewide life safety inspection model and initiate a long-term rental registry if we include the following provisions:

- First, I would support a rental housing registry for only those buildings which exceed two dwelling units available for rental for more than 120 days per year. This will ensure we are differentiating between those renting a unit merely to support household expenses, and more professional landlords operating a rental business.
- Second, the health safety inspection obligations transferred in S.79 to the Division of Fire Safety are an expansion of DFS fire safety inspection obligations to include health inspections. This also expands the responsibility for health code inspections from a local “complaint-based” system to the mandatory statewide inspection authority of DFS. Further, S.79 takes away the existing discretion of DFS to determine if a violation merits shutting a residence down for rental. Under S.79, one uncorrected health or safety violation will make a unit unavailable. There must be a commonsense risk consideration added.

I also believe we need more thorough consideration of timelines, resource needs, regulatory flexibility for DFS, training needs for local health officials and impacts on rental housing resources before transferring total oversight to DFS. The bill currently includes five new positions to carry out much of this work. Truly fulfilling the bill's mandate would require an even more costly expansion of the bureaucracy in the future, which I could not support. Perhaps Senator Brock's amendment could be considered a bridge to longer-term modernization.

- Third, I ask the Legislature to continue to support the Vermont Rental Housing Investment Program and the Vermont Homeownership Revolving Loan Fund, which, again, will move forward with funding from the FY22 budget.
- Finally, I also believe we must work together on Act 250 reforms and permitting, especially in light of our unprecedented housing investments. My Administration will make themselves available at any time over the summer and fall to discuss potential paths forward.

Based on the objections outlined above, I am returning this legislation without my signature pursuant to Chapter II, Section 11 of the Vermont Constitution.

Sincerely,

/s/Philip B. Scott
Governor

PBS/kp”