

STATE OF VERMONT
EXECUTIVE DEPARTMENT
ADDENDUM 3 TO
AMENDED AND RESTATED EXECUTIVE ORDER NO. 03-23
[Housing Response to Storm-Related Damage]

WHEREAS, one year after I issued Executive Order 03-23, Declaration of State of Emergency, Guard Call-Out and Activation of Emergency Operations Plan for the State of Vermont in Response to Anticipated Storm-Related Damage (“Emergency Declaration”), declaring a state of emergency for the State of Vermont in response to the July 2023 severe storm (“July 2023 Severe Storm”), Vermont again experienced excessive rain combined with water runoff, flooding, erosion and resulting damages July 10, 2024 into July 11, 2024 and July 30, 2024 (“July 2024 Severe Storms”), which caused two known fatalities and widespread damage, and threatened property and public safety in Vermont; and

WHEREAS, following the July 2023 Severe Storm, 44 manufactured homes were condemned by the State, 16 properties were FEMA-designated “destroyed” properties and 3,168 households were approved for FEMA Housing Assistance; and

WHEREAS, following the July 10, 2024 Severe Storm, we know as of the morning of July 29, 2024, there were 2,407 residential damage reports to the State’s emergency 2-1-1 call center, including 111 renters: 192 callers reported significant damage to the first floor of their homes, 154 callers reported their homes were uninhabitable, 149 callers needed assistance to remain in their homes, 238 reported damage to their foundations and an additional 109 reported damage to walls and roofs; and

WHEREAS, unfortunately, Vermont is now anticipating another major rain and flood event August 9 as Tropical Depression Debby approaches, and the Governor has requested a federal Emergency Declaration from the President in anticipation of this all-hazards event; and

WHEREAS, prior to the July 2023 and July 2024 Severe Storms, Vermont’s statewide housing and homelessness crisis was widely recognized by Vermont’s State, federal and local leaders as one of the biggest issues facing our State today, with many calling for additional action, including some declaring the housing crisis must be priority No. 1, and others calling for a Governor’s Declaration of a State of Emergency; and

WHEREAS, there was demonstrated tri-partisan support for significant legislative changes to local zoning and state law and regulation to facilitate home building and housing unit generation throughout the 2023-2024 biennium; and

WHEREAS, the express purpose and policy underlying the State Emergency Management laws (Title 20, Chapter 1) recognize the “increasing possibility of the occurrence of disasters or emergencies of unprecedented size and destructiveness resulting from all-hazards” and anticipate the need to adequately prepare the State “to deal with such disasters or emergencies; to provide for the common defense; to protect the public peace, health, and safety; and to preserve the lives and property of the people of the State;” and

WHEREAS, over the last 15 years, Vermont has begun to experience rain and flooding events with unforeseen frequency and severity; and

WHEREAS, the Governor’s emergency management duties and obligations require the preparation for and implementation of all emergency functions related to civilian protection and the prevention, planning, mitigation and support required for response and recovery efforts from all-hazards; and

WHEREAS, for the sake of clarity, “hazard mitigation” means any action taken to reduce or eliminate the threat to persons or property from all-hazards; and

WHEREAS, it is clear the July 2023 and July 2024 Severe Storms and inevitable future natural disasters have exacerbated and will continue to exacerbate Vermont’s housing crisis; and

WHEREAS, Vermont finds itself in a situation where providing temporary housing for the victims of natural disasters is a futile mission in the face of the housing crisis; and

WHEREAS, meaningful action to provide temporary housing is not possible without meaningful action to facilitate prudent, environmentally responsible manufactured home placement and housing development; and

WHEREAS, I have determined it is necessary to prioritize the Governor’s Mobile Home Unit Task Team Initiative to expedite the siting and placement of at least 100 manufactured home units in existing registered State manufactured home parks in Fiscal Year 2025.

NOW THEREFORE, pursuant to the authority vested in me as Governor of the State of Vermont and Commander-in-Chief, Vermont National Guard by the Constitution of the State of Vermont, Chapter II, Section 20, and pursuant to the emergency powers set forth in 20 V.S.A. §§ 8, 9 and 11 and other laws.

IT IS HEREBY ORDERED:

1. Mobilization of State Housing Resources. In accordance with Title 20 V.S.A. § 8, the Governor has determined the need to utilize the services and facilities of the Agency of Commerce and Community Development (ACCD), the Agency of Transportation (AOT), the Department of Housing and Community Development (DHCD), the Vermont State Housing Authority (VSHA) and the Governor’s Mobile Home Unit Task Team. ACCD, AOT, DHCD, VSHA and the Governor’s Mobile Home Unit Task Team shall use and employ state personnel, equipment, and facilities to perform any and all activities consistent with the direction of the Office of the Governor and ACCD.
2. Act 250 Permit Requirements. The goal of the Governor’s Mobile Home Unit Task Team Initiative is to site and place at least 100 manufactured home units on existing lots in existing registered State manufactured home parks in Fiscal Year 2025. The Natural Resources Board, and its successor the Land Use Review Board (the “Board”), through the Chair, District Commissions and District Coordinators shall deem the siting of one or more manufactured homes on existing lots in a manufactured home park, that was registered with the State on or before July 10, 2024, and which complies with conditions A-I in Section 3 below, does not constitute a “material change” or a “substantial change” for purposes of Act 250 permitting.

Notwithstanding the foregoing, if a manufactured home park or pre-existing lot has an existing Act 250 permit, the manufactured home shall be in accordance with identified conditions.

3. Wastewater and Potable Water Supply Rule Suspension. Subject to certain conditions, the Agency of Natural Resources (ANR) currently grants Wastewater and Potable Water Supply permit exemptions for the reconstruction of a building or when i) its associated potable water supplies and waste water systems were substantially completed before January 1, 2007 and all improved and unimproved lots that were in existence before January 1, 2007 or ii) if it has an associated potable water supply or wastewater system which was permitted by the Secretary on or after January 1, 2007, and the building or structure has been voluntarily removed or destroyed by fire, flooding, or other force majeure. To qualify for the exemption, a building or structure reconstruction must occur within 4 years of its removal or destruction (“4-year lookback”). (See Rule 1-302 and Rule 1-303, Subchapter 3 of Chapter 1 of the ANR Environmental Protection Rules.)

The 4-year lookback in the ANR rules presents a significant hurdle for the siting and placement of manufactured home units on suitable existing vacant manufactured home lots. Therefore, in accordance with 20 V.S.A. §§8, 9 and 11, the Governor hereby temporarily modifies ANR Rule 1-302 and Rule 1-303 relating to Permit Exemption for Reconstruction and “Clean Slate” Permit Exemption and suspends the 4-year lookback (ANR Rule 1-302(a)(2)) solely for the purpose of facilitating the siting of new manufactured homes in connection with the Governor’s Manufactured Home Unit Task Team Initiative, subject to the following:

- a) The manufactured home park is in compliance with all conditions of permits issued under ANR Rules on or after January 1, 2007.
- b) The replacement manufactured home connects to the existing water service line or water service pipe and existing sanitary sewer service line that were connected to the previously existing building or structure. For the sake of clarity, replacement of lines and pipes necessary for purposes of siting new manufactured home units shall be deemed minor replacements.
- c) The manufactured home does not increase design flow or modify other operational requirements of the existing potable water supply or wastewater system.
- d) The entire footprint of the manufactured home, except for that portion of the manufactured home that is a deck or porch, is constructed within 50 feet of any outside wall of the previously existing building or structure that is being replaced.
- e) No other actions are taken or caused to be taken that under the ANR Environmental Protection Rules requires the issuance of a permit or permit amendment.
- f) The manufactured home park was registered with DHCD as of July 10, 2024.
- g) The manufactured home park is in compliance with those portions of the Vermont Environmental Protection Chapter 21 Water Supply Rule which codify federal public water supply requirements.
- h) A licensed designer certifies that the existing portions of the potable water supply are not a failed supply, and the existing portions of the wastewater system are not a failed system.
- i) The Governor’s Manufactured Home Unit Task Team shall notify ANR of each new manufactured home unit placement.

For the sake of clarity, in the event a licensed designer is unable to certify that the existing portions of the potable water supply are not a failed supply and/or the existing portions of the wastewater system are not a failed system, on a site that otherwise complies with conditions A-I in this Section 3, the potable water supply shall be deemed a failed supply or the system shall be deemed a failed system and ANR shall grant a variance for a replacement system. The installation of a new manufactured home unit with 3 or fewer bedrooms at an existing registered manufactured home park lot with existing wastewater and water supply infrastructure, shall not constitute an increase in design flow for that lot.

The Governor's Manufactured Home Unit Task Team, in consultation with DHCD, ANR, VSHA and a licensed designer, shall conduct due diligence on the park and the lots specific to wastewater and potable water supply systems, as follows:

- a) Complete the ANR Checklist for Mobile Home Park Task Force Initial Screening dated July 10, 2024.
 - b) Review ACCD and ANR records related to water and wastewater complaints.
 - c) Conduct an in-person site visit.
 - d) Interview with the applicable manufacture home park owners.
4. Governor's Manufactured Home Unit Task Team Purchasing Authority for Housing Deficit Mitigation. The Secretary of Administration is hereby directed to waive State purchasing rules and procedures as she may deem prudent and necessary for the purpose of expediting the acquisition of manufactured home units, including for the preparation or equipping of manufactured home unit sites, the payment of transportation charges and all other equipment, material or charges deemed necessary by the Governor's Manufactured Home Unit Task Team.

Further, the Department of Buildings and General Services, Office of Purchasing and Contracting is hereby directed to work with the Governor's Manufactured Home Unit Task Team to contract for and purchase materials, supplies, commodities, and equipment necessary for the repair, construction, and equipping of home units to ensure efficient execution of the Governor's Manufactured Home Unit Task Team Initiative.

5. Retroactivity Shield. State law, rules and permitting suspended in accordance with this Emergency Declaration, as amended and restated, shall not be enforced retroactively by State permitting and regulatory bodies; except that State regulatory bodies shall retain the authority to address any situations that result in failure of the wastewater system and/or the potable water supply as defined by the Wastewater System and Potable Water Supply Rules.

This Third Addendum to the Amended and Restated Executive Order 03-23 shall take effect upon signing and shall continue in full force and effect until the Governor, in consultation with DPS/VEM, shall assess the emergency and determine whether to amend or rescind this Order.




WITNESS my name hereunto subscribed and the Great Seal of the State of Vermont hereunto affixed at Montpelier this 9th day of August, 2024.

A handwritten signature in black ink, appearing to read "Philip B. Scott", is written over a horizontal line. The signature is stylized and cursive.

Philip B. Scott
Governor

By the Governor:



Brittney L. Wilson
Secretary of Civil and Military Affairs

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