

# Regulatory tools for community housing needs

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Regulatory Tool	How does it work?	Examples of where it has been used		Additional Resources
		Vermont	Beyond	
Reducing minimum lot size or minimum unit size requirements	Zoning bylaws that require large (>= 2 acres per dwelling unit) minimum lot sizes for the developable land in the municipality can discourage the development of affordable housing. Large minimum lot sizes require developers to acquire more land, inflating the costs of development, which are passed on to residents. Similarly, unnecessarily large minimum unit sizes can prohibit developers from building smaller, lower-cost housing units.	Burlington, Colchester, Enosburg, Enosburg Falls, Essex, Essex Junction, Franklin, Grand Isle, Highgate, Hinesburg, Montgomery, Richford, Richmond, South Burlington, South Hero, St. Albans City, St. Albans Town, Swanton, Winooski	King County, Washington; Erie County, New York; Los Angeles, California; Seattle, Washington; Cincinnati, Ohio	<a href="#">National Association of Home Builders</a> <a href="#">U.S. Department of Housing and Urban Development</a> <a href="#">Erie County Department of Environment and Planning</a> <a href="#">Connecticut Fair Housing Center</a>
Zoning for multi-family housing	Zoning bylaws that do not permit multi-family housing limit developers in affordable housing options. Revising zoning laws to allow a wide variety of housing types can create more flexibility in meeting a community's changing housing needs. Zoning for multi-family unit housing can be accompanied by tax incentives encouraging the development of multi-unit housing.	Bakersfield, Berkshire, Bolton, Burlington, Charlotte, Colchester, Enosberg, Enosberg Falls, Essex, Essex Junction, Fairfax, Fletcher, Franklin, Georgia, Grand Isle, Highgate, Hinesburg, Huntington, Jericho, Milton, Montgomery, North Hero, Richford, Richmond, Shelburne, Sheldon, South Burlington, South Hero, St. Albans City, St. Albans Town, St. George, Swanton, Underhill, Westford, Winooski	State of Massachusetts; New York City; Fremont, California; Seattle, Washington	<a href="#">The White House</a> <a href="#">National Association of Home Builders</a> <a href="#">American Planning Association</a> <a href="#">Erie County Department of Environment and Planning</a>
Separating density from unit size	A zoning bylaw that considers dwelling units of different sizes differently in terms of density. Instead of treating all dwelling units the same when determining maximum density, greater numbers of smaller units could be allowable. This may often be seen in low-income housing for the elderly, which may allow smaller unit sizes in exchange for shared community spaces within a development. Alternatively, zoning bylaws can set a housing unit as being a specific area (e.g. 1500 square feet). Municipalities may expand zoning requirements to allow for micro-units or compact units in some instances.		Los Angeles, California; New York City; Portland, Oregon; Seattle, Washington	<a href="#">U.S. Department of Housing and Urban Development</a> <a href="#">Housing New York</a> <a href="#">City of Oregon Bureau of Planning</a> <a href="#">NYU Furman Center</a>
Separating density from unit type	A zoning bylaw that disconnects automatically allowing large multi-family buildings in higher-density districts, instead allowing high density but only as single or two-family homes. This may be seen in cottage housing developments. It may also overlap with cluster development practices.		Suffolk County, New York; Kirkland, Washington; Seattle, Washington; Cleveland, Ohio; Juneau, Alaska	<a href="#">U.S. Department of Housing and Urban Development</a> <a href="#">Municipal Research and Services Center</a> <a href="#">Lehigh Valley Planning Commission</a>

<b>Regulatory Tool</b>	<b>How does it work?</b>	<b>Vermont examples</b>	<b>Examples outside VT</b>	<b>Additional Resources</b>
Promoting the development of accessory dwelling units (ADUs)	Additional living quarters on single-family lots that are independent of the primary dwelling unit. ADUs can offer more options for affordable housing, as they can be inexpensively constructed and do not require additional land for development. According to Vermont law (24 VSA §4412), municipalities must allow accessory dwelling units. However, municipalities may choose to adjust local bylaws to encourage the construction of ADUs.	Brattleboro, Westford	State of California; Fauquier County, Virginia; Portland, Oregon; Lexington, Massachusetts; Barnstable, Massachusetts	<a href="#">The White House</a> <a href="#">U.S. Department of Housing and Urban Development</a> <a href="#">Vermont Natural Resources Council</a> <a href="#">Mad River Valley Housing Coalition</a> <a href="#">Brattleboro Area Affordable Housing</a>
Density bonuses	Municipal planning ordinances that allow developers to increase the maximum allowable development on a property in exchange for making a certain percentage of the housing affordable.	Bakersfield, Berkshire, Bolton, Burlington, Charlotte, Colchester, Enosburg, Enosburg Falls, Essex, Essex Junction, Fairfax, Fairfield, Fletcher, Franklin, Georgia, Grand Isle, Hinesburg, Huntington, Jericho, Milton, Montgomery, North Hero, Richford, Shelburne, South Burlington, St. Albans City, St. George, Swanton, Underhill, Winooski, Williston, Westford	State of California; Lehigh Valley Region, Pennsylvania; New York City; Madison, Wisconsin; Austin, Texas	<a href="#">The White House</a> <a href="#">National Association of Home Builders</a> <a href="#">Southern California Association of Non-Profit Housing</a> <a href="#">University of Wisconsin Center for Land Use Education</a> <a href="#">Lehigh Valley Planning Commission</a> <a href="#">City of Burlington Community &amp; Economic Development Office</a>
Inclusionary zoning	Municipal planning ordinances that require or incentivize developers to designate a certain percentage of housing units for low and moderate-income residents	Burlington, Fairfield, Hinesburg, South Burlington (City Center), Williston	New York City; Chicago, Illinois; Washington DC; San Francisco	<a href="#">U.S. Department of Housing and Urban Development</a> <a href="#">National Housing Conference</a> <a href="#">The Urban Land Institute</a> <a href="#">PolicyLink</a> <a href="#">City of Burlington Community &amp; Economic Development Office</a>
Require long-term affordability	Tools such as Inclusionary Zoning require developers to create housing that meets definitions of “affordable” by its rent or purchase price. By requiring long-term affordability of the unit, municipalities can ensure that the units remain affordable to future residents through stewardship by a housing trust or other subsidy program, resale price and ongoing rent restrictions, reporting and/or municipal staff resources.	Burlington, South Burlington	State of California; Montgomery County, Maryland; Washington DC; New York City; Syracuse, New York	<a href="#">U.S. Department of Housing and Urban Development</a> <a href="#">Lincoln Institute of Land Policy</a> <a href="#">Joint Center for Housing Studies</a> <a href="#">Montgomery County Department of Housing and Community Affairs</a>
Promote long-term affordability of total costs associated with housing	Zoning bylaws that promote long-term affordability of housing in conjunction with associated costs by (1) supporting housing in walkable areas served by existing infrastructure and (2) establishing energy standards. This policy may intersect with transit oriented-development (TOD), where communities attempt to develop housing with easy access to public transportation		San Jose, California; Arlington, Virginia; Redmond, Washington; Medford, Oregon; Austin, Texas	<a href="#">National Association of Home Builders</a> <a href="#">U.S. Department of Housing and Urban Development</a> <a href="#">City of Medford</a> <a href="#">City of Austin Neighborhood and Community Development</a> <a href="#">Transit Oriented Development Institute</a>

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Overlay districts	Areas created to promote certain types of development. Municipalities create new zoning rules for the overlay district to encourage the intended type of development in addition to pre-existing zoning rules for the larger area. Many areas have overlay districts to protect natural resources, or historic neighborhoods, but they can be used to encourage affordable housing.	Burlington	State of Massachusetts; Washington DC; Nashville, Tennessee; Grand Forks, North Dakota; Corte Madera, California	<a href="#">American Planning Association</a> <a href="#">National Association of Home Builders</a> <a href="#">Vermont Natural Resources Council</a> <a href="#">District of Columbia Office of Zoning</a> <a href="#">City of Burlington Department of Planning and Zoning</a>
Planned unit development (PUD) ordinances	Municipal regulations that allow developers exemptions from certain zoning requirements in exchange for developing properties with desirable criteria. Some municipalities include PUDs within overlay districts. By allowing greater flexibility in the configuration of buildings on a site or allowing mixed usage of a site, a municipality can encourage more creative and efficient use of a space than is typically allowed in local zoning laws. It can also result in lower infrastructure costs and better coordination of development across an area. Municipalities can choose to make affordable housing a condition for allowing PUDs.	Bakersfield, Berkshire, Bolton, Burlington, Charlotte, Colchester, Enosberg, Enosberg Falls, Essex, Essex Junction, Fairfax, Fairfield, Fletcher, Franklin, Georgia, Grand Isle, Highgate, Hinesburg, Huntington, Jericho, Milton, Montgomery, North Hero, Richford, Richmond, Shelburne, Sheldon, South Burlington, South Hero, St. Albans City, St. Albans Town, St. George, Swanton, Underhill, Westford, Winooski	State of Michigan; Puget Sound Region, Washington; Bonner County, Idaho; Ellensburg, Washington; Sheboygan, Wisconsin; Kenosha, Wisconsin	<a href="#">Municipal Research and Services Center</a> <a href="#">National Association of Home Builders</a> <a href="#">University of Wisconsin Center for Land Use Education</a> <a href="#">Michigan State University Extension</a> <a href="#">Puget Sound Regional Council</a>
Cluster developments (AKA conservation-oriented development)	Zoning methods in which development density regulations are determined for an entire specified area (instead of a lot-by-lot basis). This allows the developer greater flexibility in designing projects but preserves the overall density in an area. Cluster developments allow many smaller units to be constructed in a designated area of a lot. This can naturally encourage the construction of smaller, low-cost housing units, but municipalities can also require affordable housing to be developed as a condition of approval for adjusting density requirements. It also has the benefit of preserving open spaces and protecting natural resources. Cluster development is similar to PUDs, but typically limited to housing use.	Bakersfield, Berkshire, Bolton, Burlington, Charlotte, Colchester, Enosberg, Enosberg Falls, Essex, Essex Junction, Fairfax, Fairfield, Fletcher, Georgia, Grand Isle, Highgate, Hinesburg, Huntington, Jericho, Milton, North Hero, Richford, Richmond, Shelburne, Sheldon, South Burlington, South Hero, St. Albans City, St. Albans Town, St. George, Swanton, Underhill, Westford, Williston, Winooski	King County, Washington; New York City; Seattle, Washington; Amherst, Massachusetts; Truro, Massachusetts; Medford, Oregon	<a href="#">National Association of Home Builders</a> <a href="#">State of New York Office for the Aging</a> <a href="#">Town of Truro Housing Authority</a> <a href="#">City of Medford</a>
Abide by "as of right" development (AKA "by right" development)	Allowing building proposals that fit within the specifications of local zoning policies to proceed "as of right", without additional review. Developers still need to secure a building permit and fulfill customary regulatory requirements, but the approvals process is generally less contentious and/or time-consuming than the process for proposals that require an exception from current zoning regulations. Through the revision of zoning policies, jurisdictions can significantly broaden the types of housing that are allowed as of right, thus simplifying and reducing the cost and time of delivering homes that are more likely to be available to working families.		State of California (measure ultimately not passed); Fairfax County, Virginia	<a href="#">The White House</a> <a href="#">The Urban Land Institute</a> <a href="#">State of California Legislative Analyst's Office</a> <a href="#">National Low Income Housing Coalition</a> <a href="#">Fairfax County Office of Community Revitalization</a>

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Expedited permitting and review	Streamlining the process of receiving permits for desirable housing projects. Can include leveraging technology to facilitate the permitting process and implementing shorter review timelines for permit approval.		State of Massachusetts; State of Rhode Island; King County, Washington; San Diego, California; Austin, Texas	<a href="#">The White House</a> <a href="#">The Urban Land Institute</a> <a href="#">City of San Diego Development Services Department</a> <a href="#">City of Austin Development Services Department</a>
Reducing permitting costs	Allowing permit fee reductions, waivers, or deferments for affordable housing projects.	Burlington, Charlotte, Hinesburg, Williston	Sacramento County, California; Polk County, Florida; Albuquerque, New Mexico; Austin, Texas; Portland, Oregon	<a href="#">The Urban Land Institute</a> <a href="#">Center for Transit-Oriented Development</a> <a href="#">Alexandria Office of Housing</a> <a href="#">Sacramento County</a>
Reducing impact fees	Reducing or waiving impact fees for affordable housing projects. Impact fees are important for municipalities because they require developers to pay their fair share of the costs of providing public services to the new development. However, impact fees can be an additional barrier to affordable housing projects.	Burlington	King County, Washington; Albuquerque, New Mexico; Fresno, California; Austin, Texas	<a href="#">U.S. Department of Housing and Urban Development</a> <a href="#">The Urban Land Institute</a> <a href="#">Vermont Planning Information Center</a> <a href="#">City of Burlington Department of Planning and Zoning</a>
Reducing infrastructure costs	Allow for reductions or waivers of typical public works requirements (such as widening roads, improving sidewalks, expanding sewer capacity, or creating recreational facilities) for development of desirable projects		Manatee County, Florida; Hillsborough County, Florida; Lancaster County, Pennsylvania	<a href="#">The Urban Land Institute</a> <a href="#">Connecticut Fair Housing Center</a> <a href="#">Manatee County</a> <a href="#">U.S Department of Housing and Urban Development</a> <a href="#">Lancaster County Planning Commission</a>
Increasing residential parking flexibility	Update parking standards to allow more options for residential development. This can include waiving parking requirements for mixed use properties when commercial and residential demand peaks at different times of day, or reducing parking requirements for projects near transit, near mixed uses, and where on-street parking is available.	Bolton, Burlington, Charlotte, Swanton, Underhill	State of California; New York City; Seattle, Washington; Minneapolis, Minnesota; Denver, Colorado	<a href="#">The White House</a> <a href="#">The Urban Land Institute</a> <a href="#">Housing NYC</a> <a href="#">Vermont Planning Information Center</a> <a href="#">City of Burlington Department of Planning and Zoning</a>
Housing replacement/retention requirements (AKA No net loss mandates)	Requires housing units torn down to be replaced with a specified percentage of new housing units to maintain housing stock within a community. In some areas developers have the option of paying a penalty in lieu of constructing new housing units. This fee may be added to a housing trust fund.	Burlington	Arlington County, Virginia; San Diego, California; Portland, Oregon; St. Paul, Minnesota; Denver, Colorado	<a href="#">National Association of Home Builders</a> <a href="#">Arlington County Housing Division</a> <a href="#">City of San Diego Office of the City Clerk</a> <a href="#">City of Burlington Department of Planning and Zoning</a>

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Trust fund benefits to buyers	Using a community's affordable housing trust fund to encourage young families to move in and renovate homes through grants, low-interest loans, or loan forgiveness over time. Housing trust funds can support either rental or owner-occupied properties, and new construction or rehabilitation of older properties. Communities may work with state, regional, and county housing trust funds, or may choose to develop a local housing trust fund.	Burlington, Charlotte, Montpelier	New York City; Washington DC; Seattle, Washington; Los Angeles, California; St. Louis, Missouri; Boulder, Colorado; Boston, Massachusetts	<a href="#">National Association of Home Builders PolicyLink</a> <a href="#">Center for Community Change</a> <a href="#">Champlain Housing Trust</a> <a href="#">Burlington Housing Trust Fund</a> <a href="#">Montpelier Housing Trust Fund</a>
Rental housing codes	Promote and enforce safe and healthy living conditions for rental properties. States have rental housing laws which cities and towns may supplement with municipal rental housing codes.	Barre, Bennington, Brandon, Brattleboro, Burlington, Lyndon, Montpelier, New Haven, Richford, Rutland City, St. Johnsbury, Winooski	New York City; Washington DC; Sacramento, California; Seattle, Washington	<a href="#">Vermont Rental Housing Codes</a> <a href="#">Vermont Planning Information Center</a>
"On the record" review	Allows testimony from hearings before a municipality's planning commission, zoning board, or development review board to be incorporated into appeals heard by a Vermont court. This prevents municipalities and plaintiffs from having to reproduce expert testimony at every stage of an appeal, potentially saving significant time and expense. Municipalities have the option to implement this approach into local law under Vermont statute 24 V.S.A. § 4471(b).	Brattleboro, Chester, Colchester, Ludlow town, Ludlow village, Montgomery, Newport, Norton, Norwich, Randolph, Shelburne, Springfield, Stowe, Wells, Windsor		<a href="#">Facey Goss &amp; McPhee, P.C.</a> <a href="#">Vermont League of Cities and Towns</a> <a href="#">Vermont Planning Information Center</a>