

# Luneau's warning

The “affordable housing” bill won preliminary approval Tuesday in the House, but not overwhelmingly, which prompted Sen. Vince Illuzi, R-Essex/Orleans, whose committee will consider the legislation, to wonder why.

“The housing crisis is so bad that if it was done right, this bill should have passed by a 90 percent vote. The fact that it didn’t tells you there are serious problems with the bill,” he said.

He’s correct. The legislation is so flawed that it prompted Dan Luneau, chairman of our District 6 Act 250 Environmental Commission to urge local legislators to actively oppose the bill.

“If H. 863 passes, it will virtually shut out housing development, affordable or otherwise,” Mr. Luneau wrote to Franklin County legislators.

He should know. There is hardly a soul who knows more about the regulations that define Act 250 than Mr. Luneau, and we can’t remember the last time a district chairman took an active role in opposing legislation dealing with Act 250.

That should give supporters of the legislation pause. It should also strengthen the hand of the opposition, which includes not only a good share of the business community but even the Vermont League of Cities and Towns [VLCT]. Wouldn’t the VLCT be a logical supporter of legislation that purported to strengthen downtowns while protecting our rural environs?

Of course. But the group sees the same problems Mr. Luneau sees. The bill would not satisfy our overwhelming need for affordable housing. It could, in fact, make housing more expensive for the very cohort we need to attract: the middle income.

And it’s almost laughable to gauge opinion by speaking to those who would profit from the legislation. What would one expect from the directors of the state’s non-profits, those organizations that depend on public subsidies to build affordable housing? What would you expect from the director of Smart Growth, an advocacy group whose intent is based in the belief that less development is better?

That’s why Mr. Luneau’s opposition to the legislation is so meaningful. He deals with the minutiae of Act 250. He knows how opponents can use the ambiguity of the proposed law to tie proposed projects up in court for years.

That’s what worries him. When the law proposes to put density requirements on rural development, but then fails to adequately define them, he can see the added costs and time required for new development to proceed. He understands that it gives opponents one more arrow in their quiver. When the proposed law warns about not allowing development that would add congestion, or to cause unsafe conditions on sidewalks, etc, but then does not define congestion, he understands the ambiguity such language invites, along with the subsequent difficulty a developer would have in proving the congestion was acceptable. That’s like being forced to prove a negative.

It’s curious to hear legislators defend the legislation. Rep. Tony Klein, D-East Montpelier, was quoted as saying the program is voluntary, that if towns didn’t want to take advantage of the proposed law, they didn’t have to.

Really.

Does that mean the new restrictions only apply to those municipalities who participate in the program, meaning that those that don’t participate can be governed under existing law?

No? Go figure.

We haven’t seen anyone suggest that a sizable percentage of Vermont’s 241 municipalities would ever put the necessary designated growth area plans in place to qualify for the proposed bill’s “benefits.” What does that leave us with?

Lots of rural communities burdened by additional, and very restrictive, growth limitations.

Proponents delight in labeling the bill as Vermont’s answer to “affordable housing” and the answer for Vermont’s middle class. But saying so doesn’t make it so. And considering the plight of the state’s economy, it’s even more ridiculous to suggest that the way to build more affordable housing is through non-profits that need to be subsidized. Who is proposing that we appropriate more taxpayer dollars to subsidize Housing Vermont or the Vermont Housing and Conservation Board? And the money would come from where?

If private developers are forced to dedicate a significant percentage of a development to affordable housing, and if the cost of this subsidy is shifted to the other homeowners, how does that address the state's dramatic need for more housing?

Do the math. If, for the purposes of illustration, 20 percent of a development needed to be priced below costs, with the remaining 80 percent forced to make up the difference, then obviously the amount of expensive housing increases at a rate that exceeds that of "affordable" housing. What are we left with? Lots of expensive homes, and few that are affordable.

We have lots of that now.

We would hope legislators would heed Mr. Luneau's warning. He's the person in the trenches. He knows the law. When he says H. 863 would "shut out housing development, affordable or otherwise" he knows of what he speaks. That should prompt the governor's promise to veto the legislation as approved by the House, and it should prompt the Senate to drop it, or to radically revise it.

*by Emerson Lynn*