

1 H.347

2 Introduced by Representative Christie of Hartford

3 Referred to Committee on

4 Date:

5 Subject: Public safety; building and fire safety codes; tiny houses; sale and
6 transfer; tiny house parks; municipal zoning; taxation

7 Statement of purpose of bill as introduced: This bill proposes to provide that
8 tiny houses shall be subject to the same requirements as other types of single-
9 family dwellings for purposes of building codes, zoning, and taxation and shall
10 be subject to the same requirements as mobile homes for purposes of tiny
11 house parks and the sale and transfer of tiny houses.

12 An act relating to establishing uniform standards for tiny houses

13 It is hereby enacted by the General Assembly of the State of Vermont:

14 * * * Building and Safety Codes * * *

15 Sec. 1. 20 V.S.A. § 2731 is amended to read:

16 § 2731. RULES; INSPECTIONS; VARIANCES

17 * * *

18 (m) Tiny Houses.

1 (1) All codes and rules adopted by the Commissioner pursuant to this
2 section that apply to owner-occupied single-family residences shall apply to
3 tiny houses.

4 (2) As used in this section, “tiny house” means a structure intended for
5 year-round occupancy that:

6 (A) contains facilities for sleeping, eating, cooking, and sanitation;

7 (B) is constructed on either a permanent foundation or on a trailer or
8 semi-trailer as those terms are defined pursuant to 23 V.S.A. § 4(40); and

9 (C) has not more than 400 square feet of floor area, excluding any
10 lofts.

11 (3) A tiny house that is built on a trailer or semi-trailer shall be subject
12 to the requirements of 23 V.S.A. §§ 371, 512, and 1222 and shall be secured to
13 the trailer or semi-trailer in a manner that is approved by the Traffic
14 Committee as that term is defined pursuant to 19 V.S.A. § 1. The Traffic
15 Committee may adopt rules to implement the provisions of this subdivision
16 (m)(3) and any additional highway safety requirements that it determines are
17 necessary for tiny houses that are built on trailers and semi-trailers.

18 Sec. 2. 26 V.S.A. § 891 is amended to read:

19 § 891. RULES ADOPTED BY BOARD

20 (a) The Electricians’ Licensing Board created under section 901 of this title
21 may adopt, amend, revise, and repeal rules providing reasonable standards and

1 requirements applicable to any electrical installation as defined in section 881
2 of this title, except as provided in sections 882 and 892 of this title. The Board,
3 if it finds it practicable to do so, may adopt the provisions of a nationally
4 recognized electrical code under authority of this section.

5 (b) Rules and code provisions adopted by the Board that apply to single
6 family dwellings shall also apply to tiny houses. The term “tiny houses” has
7 the same meaning as in 20 V.S.A. § 2731.

8 Sec. 3. 26 V.S.A. § 2173 is amended to read:

9 § 2173. RULES ADOPTED BY THE BOARD

10 * * *

11 (d) Rules and code provisions adopted by the Board that apply to single
12 family dwellings shall also apply to tiny houses. The term “tiny houses” has
13 the same meaning as in 20 V.S.A. § 2731.

14 * * * Municipal Zoning * * *

15 Sec. 4. 24 V.S.A. § 3101 is amended to read:

16 § 3101. BYLAWS AND ORDINANCES; PENALTIES

17 * * *

18 (g)(1) A code or regulation adopted pursuant to this section that applies to
19 single family dwellings shall also apply to tiny houses.

1 housing, ~~or~~ prefabricated housing, or tiny houses from the municipality, except
2 upon the same terms and conditions as conventional housing is excluded.

3 (ii) A municipality may establish specific site standards in the
4 bylaws to regulate individual sites within preexisting mobile home parks and
5 tiny house parks with regard to distances between structures and other
6 standards as necessary to ensure public health, safety, and welfare, provided
7 the standards do not have the effect of prohibiting the replacement of mobile
8 homes or tiny houses on existing lots.

9 (C) No bylaw shall have the effect of excluding mobile home parks
10 or tiny house parks, as defined in 10 V.S.A. chapter 153, from the
11 municipality.

12 * * *

13 (7) Nonconformities. All bylaws shall define how nonconformities will
14 be addressed, including standards for nonconforming uses, nonconforming
15 structures, and nonconforming lots.

16 * * *

17 (B) If a mobile home park or tiny house park, as defined in 10 V.S.A.
18 chapter 153, is a nonconformity pursuant to a municipality's bylaws, the entire
19 mobile home park or tiny house park shall be treated as a nonconformity under
20 those bylaws, and individual lots within the mobile home park or tiny house
21 park shall in no event be considered nonconformities. Unless the bylaws

1 provide specific standards as described in subdivision (1)(B) of this section,
2 where a mobile home park or tiny house park is a nonconformity under
3 bylaws, its status regarding conformance or nonconformance shall apply to the
4 parcel as a whole; and not to any individual mobile home lot or tiny house lot
5 within the park. An individual mobile home lot or tiny house lot that is
6 vacated shall not be considered a discontinuance or abandonment of a
7 nonconformity.

8 * * *

9 * * * Purchase and Sale of Tiny Houses * * *

10 Sec. 7. 9 V.S.A. § 2601 is amended to read:

11 § 2601. DEFINITIONS

12 (a) As used in this chapter, unless the context requires otherwise, “mobile
13 home” means:

14 (1) A mobile home as defined in 10 V.S.A. § 6201.

15 (2) An unmotorized vehicle, other than a travel or recreational trailer,
16 designed to be towed and designed or equipped for use as sleeping, eating, or
17 living quarters.

18 (3) A tiny house as defined in 20 V.S.A. § 2731.

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* * * Tiny House Parks * * *

Sec. 8. 10 V.S.A. § 6201 is amended to read:

§ 6201. DEFINITIONS

As used in this chapter, unless the context requires otherwise:

* * *

(5) “Leaseholder” means:

(A) a resident lawfully occupying a mobile home owned by the park owner ~~or~~;

(B) the owner of a mobile home sited on a mobile home lot in a mobile home park regardless of whether the leaseholder has actual possession of a written lease; or

(C) the owner of a tiny house sited on a tiny house lot in a tiny house park regardless of whether the leaseholder has actual possession of a written lease.

* * *

(7) “Mobile home park owner” ~~or “park owner”~~ means the owners, operators, officers, or managing agents of a mobile home park as well as any person acting through any corporate or other device who has the practical authority to establish rules, policies, or other requirements for the operation of the mobile home park. The term shall not include a stockholder for a corporation owning stock in a mobile home park unless such stockholder has a

1 controlling interest in the corporation and has the practical authority to
2 establish rules, policies, or other requirements for the operation of the mobile
3 home park.

4 * * *

5 (13) “Park owner” means a mobile home park owner or a tiny house
6 park owner.

7 (14) “Tiny house” has the same meaning as in 20 V.S.A. § 2731.

8 (15)(A) “Tiny house park” means any parcel of land under single or
9 common ownership or control that contains, or is designed, laid out, or adapted
10 to accommodate, four or more tiny houses.

11 (B) “Tiny house park” does not mean:

12 (i) premises used solely for storage or display of tiny houses; or

13 (ii) a parcel of land used solely on a seasonal basis for vacation or
14 recreational mobile homes.

15 (16) “Tiny house park owner” means an owner, operator, officer, or
16 managing agent of a mobile home park as well as a person acting through any
17 corporate or other device that has the practical authority to establish rules,
18 policies, or other requirements for the operation of the tiny house park. The
19 term shall not include a stockholder for a corporation owning stock in a tiny
20 house park unless the stockholder has a controlling interest in the corporation

1 and has the practical authority to establish rules, policies, or other requirements
2 for the operation of the tiny house park.

3 (17) “Tiny house park resident” means an individual, individuals, or
4 family who occupies a tiny house on a permanent or temporary basis in a tiny
5 house park.

6 Sec. 9. 10 V.S.A. § 6206 is added to read:

7 § 6206. TINY HOUSE PARKS

8 The provisions of this chapter shall apply to tiny house parks, tiny house
9 park owners, tiny house park residents, and leaseholders in tiny house parks in
10 the same manner that they do to mobile home parks, mobile home park
11 owners, mobile home park residents, and leaseholders in mobile home parks.

12 * * * Taxation of Tiny Houses * * *

13 Sec. 10. 32 V.S.A. § 5079 is amended to read:

14 § 5079. SALE OR TRANSFER OF MOBILE HOMES OR TINY HOUSES;
15 COLLECTION OF TAXES

16 (a) A transfer of ownership of a mobile home or a tiny house as defined in
17 20 V.S.A. § 2731 shall be made pursuant to the requirements set forth in
18 9 V.S.A. chapter 72.

19 * * *

20 (d) A mobile home or a tiny house removed from a town without a mobile
21 home or a tiny house uniform bill of sale endorsed by the clerk of the

1 municipality where the mobile home or the tiny house was located as required
2 by 9 V.S.A. § 2602 may be taken into possession by any sheriff, deputy
3 sheriff, constable, or police officer, or by the treasurer or tax collector of the
4 town in which the mobile home or the tiny house was last listed if known, or
5 by the Commissioner of Taxes if that town is unknown. A mobile home or a
6 tiny house taken into possession under this section shall be in the constructive
7 custody of the official, who shall control the use and movement of the mobile
8 home or the tiny house. In taking possession, the authorized officer may
9 proceed without judicial process only in the event that the taking of possession
10 can be done without breach of the peace. Proceedings for collection of the
11 taxes assessed against and due with respect to the mobile home or the tiny
12 house shall then be conducted in accordance with subchapter 9 of chapter 133
13 of this title.

14 (e) Taxes assessed against a mobile home or a tiny house shall be
15 considered due for purposes of this section as of the date of removal of the
16 mobile home or the tiny house from the town in which the mobile home or the
17 tiny house was last listed, and the owner shall be liable for fees provided for in
18 section 1674 of this title from the date of removal.

19 (f) The treasurer or tax collector of any town from which a mobile home or
20 a tiny house is removed without an endorsed mobile home or tiny house
21 uniform bill of sale as required by 9 V.S.A. § 2602(b) may notify the Director

1 of Property Valuation and Review of the removal giving a description of the
2 mobile home by serial or other number if known. If the Director is notified of
3 the seizure of a mobile home or a tiny house as provided in subsection (d) of
4 this section, ~~he or she~~ the Director shall immediately notify the treasurer or tax
5 collector of the town, if known, in which the mobile home or the tiny house
6 was last listed on the grand list.

7 (g) Taxes lawfully assessed upon a mobile home or a tiny house shall
8 attach as a lien on the mobile home or the tiny house as provided in section
9 5061 of this title.

10 Sec. 11. 32 V.S.A. § 5259 is amended to read:

11 § 5259. MUNICIPALITY MAY ACQUIRE LAND ON TAX SALE

12 By the act of its mayor or selectboard, when a tax warrant is extended on
13 any land in this State, the city or town by which the tax is assessed may
14 become the purchaser at the tax sale thereof, if a bid not equal to the tax and
15 costs is made at such sale. When a tax warrant is extended on a mobile home
16 or a tiny house located in a mobile home or a tiny house park in proceedings
17 initiated after notice pursuant to 10 V.S.A. § 6248(c), the municipality may
18 purchase the mobile home or the tiny house or may sell the mobile home or the
19 tiny house to the highest bidder at the sale, although the bid is less than the
20 taxes and costs due the municipality. If there is a release or a potential release
21 of a hazardous substance, as defined in 10 V.S.A. § 6602(16), upon land that a

1 municipality purchases at tax sale, the municipality shall have the right, prior
2 to the expiration of the redemption period, to enter onto the land for the
3 purpose of assessing and remediation on the land.

4 Sec. 12. 32 V.S.A. § 5252(a) is amended to read:

5 (a) When the collector of taxes of a town or of a municipality within it has
6 for collection a tax assessed against real estate in the town and the taxpayer is
7 delinquent, the collector may extend a warrant on such land. If a collector
8 receives notice from a mobile home or tiny house park owner pursuant to
9 10 V.S.A. § 6248(c), the collector shall, within 15 days after the notice,
10 commence tax sale proceedings to hold a tax sale within 60 days after the
11 notice. If the collector fails to initiate such proceedings, the town may initiate
12 tax sale proceedings only after complying with 10 V.S.A. § 6249(f). If the tax
13 collector extends the warrant, the collector shall:

14 * * *

15 Sec. 13. 32 V.S.A. § 5401 is amended to read:

16 § 5401. DEFINITIONS

17 As used in this chapter:

18 * * *

19 (7) “Homestead”:

20 * * *

1 excess of the taxpayer's tax liability for the taxable year may be carried
2 forward for credit in the next succeeding three taxable years. "Qualified sale
3 of a mobile home or a tiny house park" means the land comprising a mobile
4 home or a tiny house park that is transferred in a single purchase to a group
5 composed of a majority of the mobile home or a tiny house park leaseholders
6 as defined in 10 V.S.A. § 6242(a); or to a nonprofit organization that represents
7 such a group.

8 Sec. 16. 32 V.S.A. § 6066 is amended to read:

9 § 6066. COMPUTATION OF PROPERTY TAX CREDIT

10 * * *

11 (d) The owner of a mobile home or a tiny house as defined in 20 V.S.A.
12 § 2731 that is sited on a lot not owned by the homeowner may include an
13 amount determined under subdivision 6061(7) of this title as allocable rent
14 paid on the lot with the amount of property taxes paid by the homeowner on
15 the home for the purpose of computation of credits under subdivision (a)(3) of
16 this section, unless the homeowner has included in the claim an amount of
17 property tax on common land under the provisions of subsection (e) of this
18 section.

19 (e) Property taxes paid by a cooperative, not including a mobile home or
20 tiny house park cooperative, allocable to property used as a homestead, shall
21 be attributable to the co-op member for the purpose of computing the property

1 tax liability credit of the co-op member under this section. Property owned by
2 a cooperative declared as a homestead may only include the homestead and a
3 pro rata share of any common land owned or leased by the cooperative, not to
4 exceed the two-acre housesite limitation. The share of the cooperative's
5 assessed value attributable to the housesite shall be determined by the
6 cooperative and specified annually in a notice to the co-op member. Property
7 taxes paid by a mobile home or tiny house park cooperative, allocable to
8 property used as a housesite, shall be attributed to the owner of the housesite
9 for the purpose of computing the property tax liability credit of the housesite
10 owner under this section. Property owned by the mobile home or tiny house
11 park cooperative and declared as a housesite may only include common
12 property of the cooperative contiguous with at least one mobile home or tiny
13 house lot in the park, not to exceed the two-acre housesite limitation. The
14 share attributable to any mobile home or tiny house lot shall be determined by
15 the cooperative and specified in the cooperative agreement.

16 * * *

17 Sec. 17. 32 V.S.A. § 9741 is amended to read:

18 § 9741. SALES NOT COVERED

19 Retail sales and use of the following shall be exempt from the tax on retail
20 sales imposed under section 9771 of this title and the use tax imposed under
21 section 9773 of this title.

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(32) Forty percent of the receipts from sales of mobile homes, as defined in 9 V.S.A. § 2601, tiny houses as defined in 20 V.S.A. § 2731, and modular housing, when they are sold as tangible personal property.

* * *

Sec. 18. 32 V.S.A. § 10002(n) is amended to read:

(n) Also excluded from the definition of “land” is the land comprising a mobile home or tiny house park that is transferred in a single purchase to a group composed of a majority of the mobile home or tiny house park leaseholders, as defined in 10 V.S.A. § 6242(a), or to a nonprofit organization that represents such a group.

Sec. 19. CONFORMING REVISIONS

When preparing the Vermont Statutes Annotated for publication, the Office of Legislative Counsel shall make the following revisions throughout Title 32 as needed for consistency with Sec. 8 of this act:

(1) substitute “a mobile home or a tiny house as defined in 20 V.S.A. § 2731” for “a mobile home”; and

(2) revisions that are substantially similar to those described in subdivision (1) of this section.

1

* * * Effective Date * * *

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Sec. 20. EFFECTIVE DATE

3

This act shall take effect on July 1, 2021.