

Act 181 FAQs

NVDA is processing Act 181 information as it becomes available. We will continue to update this document as more information becomes available.

Who is on the Land Use Review Board, and who appointed them?

The [Land Use Review Board](#) (LURB) is made up of the following 5 members appointed by Governor Phil Scott.

Chair – Janet Hurley
Board Member – Kirsten Sultan
Board Member – Brooke Dingledine
Board Member – Sarah Hadd
Board Member – Alex Weinhagen

This new Board is a reorganization of the Natural Resources Board, the organization responsible for the administration of Act 250, Vermont's land use and development law. The Land Use Review Board's primary responsibility is to promote and enhance operational accountability for fair, efficient and effective administration of Act 250's land use permitting program, including management of five Act 250 District Offices, recruitment, training, and supervision of staff and providing administrative and technical guidance and oversight support to nine District Environmental Commissions.

What are the temporary Act 250 exemptions under Act 181?

The temporary exemptions from Act 250 provide an opportunity to accelerate homebuilding while a new location-based jurisdiction of Act 250 is designed and implemented. These temporary exemptions will encourage housing where we want it – in town and village areas that are walkable and bikeable - while providing access to nearby transportation and employment. Sustainable development in compact centers will help Vermont retain its rural and working landscapes, minimize impacts to our climate, and protect the natural environment. More information on these exemptions [can be found here](#).

To qualify for the temporary exemption, your community must have permanent zoning and subdivision regulations, and the proposed development within the designation area must be served by public water or sewer – or have soils that are adequate for wastewater disposal.

- Downtown Centers: all housing development is exempt.
- New Town Centers, Growth Centers, and Neighborhood Development Areas: Up to 75 housing units are exempt.
- Village Centers and a ¼ mile radius around it: Up to 50 housing units on ten acres or less are exempt.

Here's an important caveat: None of these exemptions apply to areas within mapped river corridors or floodplains unless the project is suitable for infill following ANR's rules for flood hazard areas and river corridors.

How can we be sure we have a temporary exemption?

We strongly advise you to get a jurisdictional opinion first! Check the [temporary exemptions map](#) here.

You should also contact our Act 250 regional office (District 7): Kevin Anderson, District Coordinator (interim contact), phone 802-522-6074, email: Kevin.Anderson@vermont.gov; Gina St. Sauveur, District Technician, phone 802-751-0120, email: gina.stsauveur@vermont.gov

What does “location-based jurisdiction” mean in relation to Act 250?

Historically, Act 250 jurisdiction thresholds were town-wide depending on whether your town had permanent zoning and subdivision regulations. (E.g. Act 250 jurisdiction was usually triggered by an acre of development or more, but towns with permanent zoning and subdivision regulations could opt for a higher threshold or 10 acres.)

Act 181 creates a permanent system of “tiers” based on location to streamline environmental review, promote housing in smart growth areas, and protect critical resources. Tier 1 areas may be eligible for full or partial exemptions to development. Tier 2 areas are more or less “status quo” and Tier 3 areas will have special protections for critical natural resources.

Three Tiers for Act 250 Jurisdiction

Derived from regional plan future land use categories, except Tier 3

Tier 1		Tier 2	Tier 3
Tier 1A <i>Full Act 250 Exemption</i> <ul style="list-style-type: none">• Municipal application• LURB review• Guidelines by January 1, 2026• Specific requirements	Tier 1B <i>50 units or fewer of housing Exempt</i> <ul style="list-style-type: none">• Methodology by December 31, 2024• Municipal requested• RPC mapped• LURB review• Specific requirements	Act 250 Status Quo <ul style="list-style-type: none">• All areas not 1A, 1B, or Tier 3• Road rule July 1, 2026	Expanded jurisdiction to be established by Board rules February 1, 2026 <ul style="list-style-type: none">• Not based on regional maps• Road rule July 1, 2026

When will the Tiers take effect?

Jurisdictional Tiers 1A and 1B take effect on January 1, 2026, Tiers 2 and 3 take effect on December 31, 2026.

What are Tier 1A and 1B status and how can our community get it?

	Tier 1A	Tier 1B
Which areas are eligible?	Part or all of the following areas as shown on the regional future land use map which meet criteria in 10 V.S.A. § 6034(b) : <ul style="list-style-type: none"> · Centers (Downtowns & Villages) · Planned Growth Areas 	Part or all of the following areas as shown on the regional future land use map which meet criteria in 10 V.S.A. § 6034(b) : <ul style="list-style-type: none"> · Centers (Downtowns & Villages) · Planned Growth Areas · Village Areas
What are the Act 250 exemptions?	Fully exempt	50 units or fewer on 10 acres or less for housing and mixed-use development
Who decides where this applies?	Municipal application to LURB	Municipal request to RPC to include in regional FLU map; contingent on LURB approval

<p>What other requirements must municipalities meet?</p>	<p>Per 10 V.S.A. § 6034(b):</p> <p>A. Municipality must have an approved municipal plan.</p> <p>B. Tier 1A boundaries must be within Downtowns, Village Centers, or Planned Growth Areas on the approved regional future land use map.[MB1] [SM2] [KM3] [DS4] [TN5] [SM6]</p> <p>C. Municipality must have bylaws that are at least as strong as the state model flood hazard bylaws (per 10 V.S.A. § 755) and river corridor bylaws (per 10 V.S.A. §1428).</p> <p>D. Municipality must have permanent zoning and subdivision bylaws that do not include broad exemptions for obtaining municipal permits.</p> <p>E. Municipal bylaws for Tier 1A areas must further smart growth principles, regulate physical form and scale, allow for at least 4 stories in areas served by water and sewer, and follow other guidelines to be established by the Land Use Review Board.</p> <p>F. Tier 1A area must be compatible with the character of adjacent historic districts and sites and significant cultural / natural resources.</p> <p>G. Municipality has planned for maintenance of significant natural communities and RTE species in the Tier 1A area, or has excluded them from the Tier 1A area.</p> <p>H. Public water & wastewater has the capacity to support additional development in the Tier 1A area.</p> <p>I. There is adequate municipal staffing for comprehensive planning, capital planning, and development review / zoning administration in the Tier 1A area.</p>	<p>Per 10 V.S.A. § 6033(c):</p> <ol style="list-style-type: none"> 1. Municipality must request Tier 1B status from RPC. 2. Municipality must have an RPC-confirmed plan & planning process. 3. Municipality must have permanent zoning & subdivision bylaws. 4. In Tier 1B area, Municipality must exclude or adequately regulate flood hazard areas / river corridors 5. Tier 1B areas must have adequate water supply & wastewater capacity for compact housing 6. Municipality must have adequate municipal staff for zoning administration
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Will our municipality have to enforce existing Act 250 conditions?	Yes. Within Tier 1A areas municipalities must carry forward conditions of prior Act 250 permits for new development permits, with a few exceptions. In approved Tier 1A areas the LURB will no longer enforce permit conditions unless the municipality fails to do so.	No. The LURB will continue to enforce existing Act 250 permits and conditions in Tier 1B areas.
When do municipalities have to decide?	Anytime after January 1, 2026.	<ol style="list-style-type: none"> 1. Spring 2025 during drafting of initial regional Future Land Use Map. 2. During future updates to regional plan.
What happens if we don't pursue Act 250 exemptions?	After the interim Act 250 exemptions expire, development projects will be subject to standard Act 250 jurisdiction throughout your community, including any changes under Act 181	
Are state planning designations tied to Act 250 exemptions?	No. The new state planning designations (Centers and Neighborhoods) are only tied to the regional future land use map as approved by the LURB. Act 250 exemptions for Tier 1A and Tier 1B are now determined separately.	

Will there be more changes to Act 250?

We do expect some additional changes/new guidance regarding Act 250 in the future.

What will happen to our Village Center Designation?

Currently designated Downtowns and Village Centers will not be impacted by changes associated with Act 181. New applications for village center designations will be accepted until 12/31/2025. Renewal applications for existing designations are no longer required.

How can we tell if an area has adequate soils for septic?

The soil suitability data set behind the Interim Act 250 Exemption Map is at <https://geodata.vermont.gov/datasets/VCGI::vt-data-onsite-sewage-disposal-soil-ratings/explore> and an explanation of the different soil types is at

<https://anrmaps.vermont.gov/websites/SOILS/2008%20Soil%20Suitability%20Groups%20for%20Soil-based%20Residential%20Wastewater%20Disposal-January2008.pdf>

Essentially, there are five categories (I – V) of soil, each with a bunch of different subcategories (for example IIIb). Categories I – III are suitable for septic, IV is not suitable, and V is unmapped.

Should housing developers be steered to the mapping tool or our town's zoning staff?

We would recommend steering developers toward the Interim Act 250 Exemption Map <https://experience.arcgis.com/experience/d96022b7dce64945a326e7bf98a2f365/> and emphasizing to them that the map is a helpful tool, not the final word on whether their project is exempt from Act 250 permitting. The final word is a Jurisdictional Opinion from the Natural Resources Board/Land Use Review Board. The developer would have to apply for this Jurisdictional Opinion, but it's a much less onerous process than the full Act 250 permit application.

Do the new Federal Housing Administration (FHA) Mortgage Insurance requirements include that septic disposal areas must be elevated at least 2' above the National Flood Insurance Program's mapped Base Flood Elevation?

The new FHA requirements do not appear to address the elevation of wastewater disposal areas, just the elevation of the lowest floor of the house. Note that the VT Department of Environmental Conservation's Model Flood Hazard Bylaws – which the presentation suggested that towns adopt and which are generally more restrictive than federal standards – do not prohibit septic disposal areas from being constructed in the floodplain or require any elevation of septic disposal areas.