

# Equal Treatment of Housing

Meeting Requirements of State Statute and Avoiding Housing Discrimination - [24 VSA § 4412 \(1\)](#)

Zoning May Not Discriminate Housing Types that Must Be Allowed	Limits on Regulating	Common but Minimal Compliance	More Equitable Approaches Recommended	Resources
<p><b>Accessory Dwelling Units</b> Allowed where there are single-family homes</p>	<p>Statute establishes standards for ADUs, allowing municipalities to adopt less restrictive standards while prohibiting stricter ones.</p>	<p>Apply the most restrictive standards allowed by statute such as:</p> <ul style="list-style-type: none"> <li>• ADU must be sized no larger than 30% of main dwelling</li> <li>• Conditional use review required for ADUs in a separate structure</li> </ul>	<p>Adopt ADU standards that are less strict with provisions such as:</p> <ul style="list-style-type: none"> <li>• Reduced on-site parking for ADUs</li> <li>• Standards that are less about size and more about character</li> <li>• Administrative approval for all ADUs</li> </ul>	<ul style="list-style-type: none"> <li>• Sample ADU bylaw language in <a href="#">Enabling Better Places Guide</a></li> <li>• Vermont State Housing Authority's <a href="#">Montpelier ADU Program</a> aims to create more homes through support for ADUs</li> </ul>
<p><b>Multi-Unit/Family Dwellings</b> Allow in the municipality</p>	<p>Zoning cannot “have the effect of excluding” multiple family buildings or multiple unit development.</p>	<p>Allow apartments, condos or other multi-unit/family buildings to be developed in certain districts, subject to conditional use review.</p>	<p>Encourage a wide variety of homes in walkable places:</p> <ul style="list-style-type: none"> <li>• Remove density and lot size requirements</li> <li>• Instead use building patterns and sizes to regulate</li> <li>• Reduce types subject to conditional use and PUD approvals</li> </ul>	<p>More recommendations and sample bylaw language for uses and districts in the <a href="#">Enabling Better Places Guide</a></p>
<p><b>Group Homes</b> Treat as a single-family home</p>	<p>State registered group care homes serving no more than 8 people with a disability must be allowed as a single-family home.</p>	<p>Define group homes as a use separate from single family homes but allow in the same places with the same number of homes.</p>	<p>Recognize group homes no differently from a single-family home:</p> <ul style="list-style-type: none"> <li>• Use “household” instead of “family” in zoning use tables</li> <li>• Explicitly include group homes in definitions for “household”</li> </ul>	<p>Disability and related terms are defined in <a href="#">9 V.S.A. § 4501</a>.</p>
<p><b>Mobile Homes</b> Allow in the municipality</p>	<p>Zoning bylaws cannot “have the effect of excluding” mobile, modular or prefabricated homes, except on the same terms as conventional housing.</p>	<p>No distinction is made between mobile homes and homes using other construction methods in the zoning regulations.</p>	<p>Where appropriate, craft design standards to avoid emphasizing building construction, and accommodate mobile, modular, prefabricated homes or other approaches that can be affordable.</p>	<p>See overall approach in the <a href="#">Enabling Better Places Guide</a></p>
<p><b>Mobile Home Parks (MHPs)</b> Allow in the municipality</p>	<p>Zoning cannot “have the effect of excluding” MPHs, and where MPHs were established prior to zoning, the whole park and not the individual sites must be treated as the non-conformity. Municipalities may adopt site-specific health and safety standards to regulate individual sites.</p>	<p>Designate one or more districts where there is a reasonable chance a new MHP could be located.</p>	<ul style="list-style-type: none"> <li>• Remove outdated provisions regulating new MPHs</li> <li>• Craft reasonable non-conformity standards for pre-existing MHPs</li> <li>• If needed, adopt site specific standards</li> <li>• Treat new MHPs as any other multi-unit project</li> </ul>	<p>See <a href="#">DHCD Mobile Home Park Guidance for Municipalities</a> and other <a href="#">Mobile Home Park Resources</a>. Note also the <a href="#">HUD Mobile Home Construction and Safety Standards</a>.</p>