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TO: House Committee on Environment and Energy
FROM: Office of Racial Equity
DATE: April 18, 2023
RE: Letter of testimony on proposed amendments to S.100, An act relating to housing opportunities for everyone

Dear Chair Sheldon and members of the House Committee on Environment and Energy,

Thank you for the opportunity to provide testimony on S.100, An act relating to housing opportunities for everyone. The Office wishes to express concern about Sec 6, 24 V.S.A. §4465 APPEALS OF DECISIONS OF THE ADMINISTRATIVE OFFICER, (b) (4) “Any ~~ten~~ 10 persons who allege a common injury to a particularized interest protected by this chapter, who may be any combination of voters or real property owners within a municipality listed in subdivision (2) of this subsection...” The Office of Racial Equity is concerned that “voters or real property owners” as described in 24 V.S.A. §4665 (b)(2) disproportionately excludes people of color who may wish to file an appeal.

According to the American Community Survey 2021 5-year estimate, 73% of White Vermont residents own their homes, compared to only 26% of Vermont residents who identified as Black or African-American alone.¹ Other people of color in Vermont also experience homeownership rates lower than Vermont residents who identified as White and non-Hispanic. Restricting appeals only to “voters” denies access to people who are living in Vermont but are unable to vote due to their citizenship status, which includes Legal Permanent Residents (“green card”²) and Vermonters who are undocumented. The provision “voters and real property owners” disproportionately excludes people of color in Vermont.

If the Committee chooses to retain 24 V.S.A. §4465 (b)(4) allowing appeals of decisions, the Committee should consider how to change the definition of who can appeal under subdivision 24 V.S.A. §4465 (b)(2) to include more people. The Office suggests aligning the

¹ Vermont Housing Finance Agency. (2019). *Homeownership rate by race*. HousingData.Org. <https://www.housingdata.org/profile/homeownership-costs/homeownership-by-race>

² US Citizenship and Immigration Services. (2015, July 15). *Rights and Responsibilities of a Green Card Holder (Permanent Resident)*. USCIS.Gov. <https://www.uscis.gov/green-card/after-we-grant-your-green-card/rights-and-responsibilities-of-a-green-card-holder-permanent-resident>

provisions of 24 V.S.A. §4465 APPEALS OF DECISIONS OF THE ADMINISTRATIVE OFFICER, subsection (b) with Sec 19, 24 V.S.A. §2793f. ENHANCED DESIGNATION subsection (e)(2). Section 19, subsection (e)(2) is on page 31, line 19 of [Draft 1.1 of S.100](#):

“(2) As used in this section, an “interested person” means any one of the following:

(A) a person owning a title to or occupying property within or abutting the designated area;”

Administrative rule makers will need to be careful when creating rules to determine whether someone is “occupying property” to avoid replicating the inequities that persist in our systems of governance. The Office is available to provide technical assistance in these matters and recommends the use of the State of Vermont Impact Assessment Tool to evaluate policies and rules for potential inequities.

The Office encourages the Committee to retain Section 27, which includes the \$150,000 FY 24 General Fund appropriation to the Human Rights Commission to create a new full-time housing discrimination litigator position. The Office supports the inclusion of the funding allocations that were removed from the initial draft of S.100 in the version of S.100 as passed by the Senate. The Office supports the funding allocations to the Vermont Housing Finance Authority for the Section 33, First-Generation Homebuyer program; Section 36, Middle-Income Homeownership Development Program; and Section 38, the Rental Housing Revolving Loan Program.