

**PROPOSED REVISION TO SECTION 1 OF H.859  
AS PASSED BY THE HOUSE**

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on behalf of Vermont Attorneys Title Corporation

Sec. 1. 24 V.S.A. § 2409 is added to read:

§ 2409. RETENTION OF MUNICIPAL OWNERSHIP OF LEASE LANDS

(a) As used in this section:

(1) “Legislative body” means the officer or officers of a municipal corporation who are charged with the care of the municipal corporation’s lease lands.

(2) “Lessee” means the person entitled to possess, enjoy, and use land subject to a perpetual lease and shall include the person’s heirs, executors, administrators, and assigns.

(3) “Municipal corporation” shall have the same meaning as “municipality” in 1 V.S.A. § 126 and shall also include every municipal corporation identified in subdivision 1751(1) of this title, county grammar schools, any unorganized towns and gores in the State, and any of the unified towns and gores of Essex County. “Municipal corporation” shall not include the University of Vermont and State Agricultural College.

(4) “Perpetual lease” means any leasehold interest in Vermont land, and every estate in Vermont land other than fee simple absolute, the title to which is held by a municipal corporation according to section 2401 of this title and land the title to which is held by a municipal corporation for the support of schools, including but not limited to county grammar schools, arising out of or created by an instrument of lease that conveys to a person designated as lessee the right to possess, enjoy, and use the land in perpetuity or substantially in perpetuity. “Perpetual lease” shall include leasehold interests that are subject to restrictions on the lessee’s use of the land and shall include lands that the municipal corporation may repossess for nonpayment of rent or other default under the terms of the lease.

(5) “Perpetual lease land” means all land described in a perpetual lease that is owned ~~in fee simple by~~ or vested in a municipal corporation by charter or by an original grant. “Perpetual lease land” does not include land described in a perpetual lease that is held in title by any person other than a municipal corporation, or any land described in a perpetual lease over which the municipal corporation acts exclusively as trustee.

(b)(1) On January 1, 2020 title to perpetual lease lands shall vest in the current lessee of record, free and clear of ~~any~~ the interest of a municipal corporation as the owner of fee simple title to perpetual leaseland, but not otherwise, ~~but~~ and subject to any other encumbrances of record, unless the legislative body of the municipal corporation votes in the affirmative to retain ownership of the perpetual lease land.

(2) Prior to January 1, 2020 the legislative body of a municipal corporation may vote to relinquish its interest as the owner of fee simple title to perpetual leaseland. Upon such a vote title to perpetual lease lands shall vest in the current lessee of record subject to any other encumbrances of record. ~~Notwithstanding subdivision (b)(1) of this section, lease lands that do not have a current lessee of record, or that are abandoned, unused, or unoccupied, shall be deemed to vest in the municipal corporation as public lands.~~

(c) Nothing in this section shall prevent a municipal corporation that has retained ownership of perpetual lease land from later conveying the land according to section 2406 of this title.