

February 20, 2019

Representative Terry Macaig
Representative Marcia Martel
Representative Linda Joy Sullivan
Sub-Committee on Unspent Funds, House Committee on Corrections and Institutions
State of Vermont House of Representatives
115 State Street
Montpelier, Vermont 05633-5201

Re: Unexpended Capital Bill Appropriations to the Department of Housing & Community Development

Dear Representative Macaig, Representative Martel, and Representative Sullivan:

Thank you for the opportunity to update your Sub-Committee regarding the status of unexpended Capital Bill appropriations to the Department of Housing & Community Development (DHCD) as requested in your letter dated February 13, 2019. Please find our response below. The available amounts are as of February 14, 2019.

The Unmarked Burial Sites Special Fund is a state treasury fund that is not be reallocated; the balances are to be carried forward to ensure the protection, preservation, moving, or reintering of human remains discovered in unmarked burial sites. For the grants, although these funds are unexpended, they are obligated to the grants and projects outlined below. Regarding the grants, the actual expenditure of funds is dependent on grantees finalizing agreements, meeting certain performance and risk requirements, contracting builders, and/or following pre-negotiated payment schedules.

Unmarked Burial Fund

Program Financial Status as of 02/14/19

Deptid	Budget Amount	Encumbered Amount	Expended Amount	Available Amount
7110991503	(\$29,849.00)	\$0	\$0	(\$29,849.00)

- **FY15 (Deptid 7110991503):** The Unmarked Burial Sites Special Fund is a state treasury fund established for the purpose of protecting, preserving, moving, or reintering human remains discovered in unmarked burial sites. The Vermont Legislature established the fund, along with procedures for reporting discoveries, in 2001. According to **Statutes 18 V.S.A.§5212b and 32 V.S.A.§588**, the fund is not to be reallocated and balances are to be carried forward. There is no model for predicting when and how often remains will be located or the research and mediation required; therefore, the funds should not be reallocated. A copy of the Statute 18 V.S.A.§5212b is attached.
 - The initial allocation of funding was used fifteen times between 2002 and 2007. In 2013, the remaining balance was reallocated (Act 51 of 2013 Sec 19(a)-(2)), despite the State Archaeologist's and Agency of Commerce and Community Development's justification of the fund.



- FY15 budget amount reinstated some monies for this fund, which thankfully have not been needed.

Historic Preservation Grants:

Program Financial Status as of 02/14/2019

Deptid	Budget Amount	Encumbered Amount	Expended Amount	Available Amount
7110991703	(\$197,410.00)	\$170,294.00	\$6,069.69	\$21,046.31
7110991805	(\$199,656.00)	\$11,500.00	\$0	\$188,156.00

Each Historic Preservation Grant project must be completed within two years of signing of the contract, but a third-year extension is available with justification. See Vermont Statutes 24 V.S.A. §5601(d).

- FY17 (Deptid 7110991703): Fifteen grants were awarded in December 2017. All recipients have signed agreements, with six projects completed and closed. Two other projects are finished, and we are awaiting the final paperwork. The remaining funds for the eight active projects are encumbered and shall be expended by May 31, 2019.
- FY18 (Deptid 7110991805): Fourteen grants were awarded in December 2018. All recipients have been informed and contracting is now taking place; we anticipate all signed grants by June 2019 once all related bids have been reviewed. All funds shall be expended by December 2020.

Historic Barn Preservation Grants:

Program Financial Status as of 02/14/2019

Deptid	Budget Amount	Encumbered Amount	Expended Amount	Available Amount
7110991704	(\$197,410.00)	\$167,169.00	\$26,770.33	\$3,470.67
7110991806	(\$199,656.00)	\$0	\$0	\$199,656.00

Each Historic Preservation Grant project must be completed within two years of signing of the contract, but a third-year extension is available with justification. See Vermont Statutes 24 V.S.A. §5601(d).

- FY17 (Deptid 7110991704): Seventeen grants were awarded in February 2018. All recipients have signed agreements, with six projects completed and closed. The remaining funds for the eleven active projects are encumbered and should be expended by May 31, 2019. An extension of one additional year (three in total) is sometimes necessary for the private property owners (farmers) receiving these grants.
- FY18 (Deptid 7110991806): Fifty-one applications were received and will be reviewed by the Vermont Advisory Council on Historic Preservation on February 21, 2019. We anticipate awarding approximately 15-18 of the applications based on previous year averages. All recipients will be informed the following day; we anticipate all signed grants by June 2019 once all related bids have been reviewed. All funds shall be expended by December 2020.

Sub-Committee on Unspent Capital Bill Appropriations
February 20, 2019

Downtown Transportation Fund Pilot:

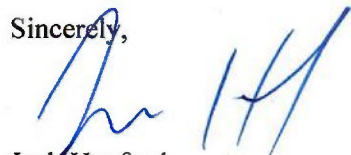
Program Financial Status as of 02/14/2019

Deptid	Budget Amount	Encumbered Amount	Expended Amount	Available Amount
7110991807	(\$99,828.00)	\$0	\$0	\$99,828.00

The Downtown Transportation Fund is a pilot program. The applications are due in March 2019 and awards will be made in April of this year.

I hope that the above information answers your inquiry sufficiently. If you have any questions or require clarification, please do not hesitate to contact me at 802-595-1385 or josh.hanford@vermont.gov.

Sincerely,



Josh Hanford

Acting Commissioner, Vermont Department of Housing and Community Development

Cc: Laura Trieschmann, State Historic Preservation Officer, ACCD

Attachments: 1

Title 18 : Health

Chapter 107 : Deaths, Burials, Autopsies

Subchapter 001 : General Requirements

(Cite as: 18 V.S.A. § 5212b)

§ 5212b. Unmarked Burial Sites Special Fund; reporting of unmarked burial sites

(a) The Unmarked Burial Sites Special Fund is established in the State Treasury for the purpose of protecting, preserving, moving, or reinterring human remains discovered in unmarked burial sites.

(b) The Fund shall be composed of any monies appropriated to the Fund by the General Assembly or received from any other source, private or public. Interest earned on the Fund, and any balance remaining in the Fund at the end of a fiscal year, shall be retained in the Fund. This Fund shall be maintained by the State Treasurer, and shall be managed in accordance with 32 V.S.A. chapter 7, subchapter 5.

(c) The Commissioner of Housing and Community Development may authorize disbursements from the Fund for use in any municipality in which human remains are discovered in unmarked burial sites, in accordance with a process approved by the Commissioner. The Commissioner may approve any process developed through consensus or agreement of the interested parties, including the municipality, a Native American group historically based in Vermont with a connection to the remains, owners of private property on which there are known or likely to be unmarked burial sites, and any other appropriate interested parties, provided the Commissioner determines that the process is likely to be effective, and includes all the following:

(1) Methods for determining the presence of unmarked burial sites, including archaeological surveys and assessments and other nonintrusive techniques.

(2) Methods for handling development and excavation on property on which it is known that there is or is likely to be one or more unmarked burial sites.

(3) Options for owners of property on which human remains in unmarked burial sites are discovered or determined to be located.

(4) Procedures for protecting, preserving, or moving unmarked burial sites and human remains, subject, where applicable, to the permit requirement and penalties of this chapter.

(5) Procedures for resolving disputes.

(d) If unmarked burial sites and human remains are removed, consistent with the process set forth in this section and any permit required by this chapter, there shall be no criminal liability under 13 V.S.A. § 3761.

(e) The funds shall be used for the following purposes relating to unmarked burial sites:

(1) To monitor excavations.

(2) To protect, preserve, move, or reinter unmarked burial sites and human remains.

(3) To perform archaeological assessments and archaeological site or field investigations, including radar scanning and any other nonintrusive technology or technique designed to determine the presence of human remains.

(4) To provide mediation and other appropriate dispute resolution services.

(5) To acquire property or development rights, provided the Commissioner of Housing and Community Development determines that disbursements for this purpose will not unduly burden the Fund, and further provided the Commissioner shall expend funds for this purpose only with the concurrence of the Secretary of Commerce and Community Development and after consultation with the legislative bodies of any affected municipality or municipalities.

(6) Any other appropriate purpose determined by the Commissioner to be consistent with the purposes of this Fund.

(f) When an unmarked burial site is first discovered, the discovery shall be reported immediately to a law enforcement agency. If, after completion of an investigation pursuant to section 5205 of this title, a law enforcement agency determines that the burial site does not constitute evidence of a crime, the law enforcement agency shall immediately notify the State Archeologist, who may authorize appropriate action regarding the unmarked burial site. (Added 2001, No. 149 (Adj. Sess.), § 57, eff. June 27, 2002; amended 2003, No. 63, § 36, eff. June 11, 2003; 2009, No. 135 (Adj. Sess.), § 10; 2009, No. 151 (Adj. Sess.), § 1, eff. June 1, 2010; 2017, No. 74, § 28.)

