

1 H.232

2 Introduced by Representatives Sims of Craftsbury, Bluemle of Burlington,
3 Dolan of Waitsfield, Anthony of Barre City, Austin of
4 Colchester, Brady of Williston, Briglin of Thetford, Brown of
5 Richmond, Brumsted of Shelburne, Burrows of West Windsor,
6 Christie of Hartford, Cina of Burlington, Colston of Winooski,
7 Copeland Hanzas of Bradford, Grad of Moretown, James of
8 Manchester, Lefebvre of Newark, McCullough of Williston,
9 Mrowicki of Putney, Mulvaney-Stanak of Burlington, Ode of
10 Burlington, Rachelson of Burlington, Sheldon of Middlebury,
11 Small of Winooski, Stebbins of Burlington, Stevens of
12 Waterbury, Surprenant of Barnard, Vyhovsky of Essex, and
13 Yantachka of Charlotte

14 Referred to Committee on

15 Date:

16 Subject: Commerce and trade; economic development

17 Statement of purpose of bill as introduced: This bill proposes to promote land
18 and home ownership and economic opportunity for Vermonters who have
19 historically suffered discrimination or unequal access to benefits and services,
20 including Black, Indigenous, and People of Color, and to prepare for climate
21 change.

1 An act relating to promoting land and home ownership and economic
2 opportunity

3 It is hereby enacted by the General Assembly of the State of Vermont:

4 Sec. 1. FINDINGS AND PURPOSE

5 (a) The General Assembly finds:

6 (1) Equal opportunity is foundational to our democracy, and our
7 diversity is one of our country's greatest strengths. But, for too many, the
8 access to equal opportunity remains out of reach.

9 (2) Vermont lands are the historic and current territories of the Western
10 Abenaki people. Stewardship of these lands was removed from the Abenaki as
11 Europeans made Vermont a state in 1791.

12 (3) Vermont has one of the highest homeownership gaps between Black
13 and White residents in the country, with 72 percent of White households and
14 just 21 percent of Black households owning their homes.

15 (4) The State has the responsibility to recognize and work to redress
16 inequities in its policies and programs that serve as barriers to equal
17 opportunity.

18 (b) The purposes of this act are to:

19 (1) support the Vermont Housing and Conservation Board in expanding
20 pathways and opportunities for Vermonters who have historically suffered
21 discrimination or unequal access to benefits and services, including Black,
22 Indigenous, and People of Color, to access land and homeownership;

1 (2) support the education and capacity of other organizations seeking to
2 do the same; and

3 (3) to enhance the Board’s work in land use planning and conservation
4 to address climate change.

5 Sec. 2. 10 V.S.A. § 303 is amended to read:

6 § 303. DEFINITIONS

7 As used in this chapter:

8 (1) “Board” means the Vermont Housing and Conservation Board
9 established by this chapter.

10 (2) “Fund” means the Vermont Housing and Conservation Trust Fund
11 established by this chapter.

12 (3) “Eligible activity” means any activity ~~which~~ that will carry out either
13 or both of the dual purposes of creating affordable housing and conserving and
14 protecting important Vermont lands, including activities ~~which~~ that will
15 encourage or assist:

16 (A) the preservation, rehabilitation, or development of residential
17 dwelling units that are affordable to:

18 (i) lower income Vermonters; ~~or~~

19 (ii) for owner-occupied housing, Vermonters whose income is less
20 than or equal to 120 percent of the median income based on statistics from
21 State or federal sources; or

1 (iii) Vermonters who have historically suffered discrimination or
2 unequal access to benefits and services, including Black, Indigenous, and
3 People of Color;

4 (B) the retention of agricultural land for agricultural use; and of
5 forestland for forestry use;

6 (C) the protection of important wildlife habitat and important natural
7 areas;

8 (D) the preservation of historic properties or resources;

9 (E) the protection of areas suited for outdoor public recreational
10 activity;

11 (F) the protection of lands for multiple conservation purposes,
12 including the protection of surface waters and associated natural resources; or

13 (G) the development of capacity on the part of an eligible applicant to
14 engage in an eligible activity.

15 (4) “Eligible applicant” means any:

16 (A) municipality;

17 (B) State agency as defined in section 6301a of this title;

18 (C) nonprofit organization qualifying under Section 501(c)(3) of the
19 Internal Revenue Code; or

20 (D) cooperative housing organization, the purpose of which is the
21 creation or retention of affordable housing for lower income Vermonters and

1 the bylaws of which require that such housing be maintained as affordable
2 housing for lower income Vermonters on a perpetual basis.

3 (5) “Lower income” means less than or equal to the median income
4 based on statistics from State or federal sources.

5 (6) “Important natural area” means any area containing one or more
6 endangered species as defined in chapter 123 of this title or any area essential
7 to maintaining the ecological diversity or natural heritage of the State.

8 (7) “Historic property or resource” means any building, structure,
9 object, district, area, or site that is significant in the history, architecture,
10 archeology, or culture of this State, its communities, or the nation.

11 Sec. 3. 10 V.S.A. § 311 is amended to read:

12 § 311. ESTABLISHMENT AND ORGANIZATION

13 (a) There is created and established a body politic and corporate to be
14 known as the “Vermont Housing and Conservation Board” to carry out the
15 provisions of this chapter. The Board is constituted a public instrumentality
16 exercising public and essential governmental functions, and the exercise by the
17 Board of the powers conferred by this chapter ~~shall be deemed and held to be~~
18 ~~the performance of~~ is an essential governmental function of the State. The
19 Board is exempt from licensure under 8 V.S.A. chapter 73.

20 (b) The Board shall consist of the following 11 members:

21 (1) The Secretary of Agriculture, Food and Markets or designee.

1 (2) ~~The Secretary of Human Services or designee.~~

2 (3) The Secretary of Natural Resources or designee.

3 (4)(3) The Executive Director of the Vermont Housing Finance Agency
4 or designee.

5 (5)(4) Two public members appointed by the Executive Director of
6 Racial Equity, with the advice and consent of the Senate, who are residents of
7 this State and are representatives of non-White Vermonters or from the Native
8 American Indian tribes recognized by the State pursuant to 1 V.S.A. chapter
9 23.

10 (5) ~~Three~~ Two public members appointed by the Governor, with the
11 advice and consent of the Senate, who ~~shall be~~ are residents of the State and
12 who ~~shall be~~ are experienced in creating affordable housing ~~or;~~ in conserving
13 and protecting Vermont's agricultural land and forestland, historic properties,
14 important natural areas, or recreational lands; or in racial and social equity
15 policy, one of whom ~~shall be~~ is a representative of lower income Vermonters
16 and one of whom ~~shall be~~ is a farmer as defined in 32 V.S.A. § 3752(7) or a
17 forester.

18 (6) One public member with expertise and professional experience in
19 community planning and smart growth principles, as defined in 24 V.S.A. §
20 2791, appointed by the Speaker of the House, who shall not be a member of
21 the General Assembly at the time of appointment.

1 (7) One public member appointed by the Senate Committee on
2 Committees, who shall not be a member of the General Assembly at the time
3 of appointment.

4 (8) ~~Two~~ Three public members appointed jointly by the Speaker of the
5 House and the President Pro Tempore of the Senate as follows:

6 (A) One member from the nonprofit affordable housing organizations
7 that qualify as eligible applicants under subdivision 303(4) of this title who
8 ~~shall not be~~ is not an employee or board member of any of those organizations
9 at the time of appointment.

10 (B) One member from the nonprofit conservation organizations
11 whose activities are eligible under subdivision 303(3) of this title who ~~shall not~~
12 be has expertise and professional experience in climate change, such as climate
13 mitigation, climate resilience, or improvements in biodiversity, and who is not
14 an employee or member of the board of any of those organizations at the time
15 of appointment.

16 * * *

17 Sec. 4. 10 V.S.A. § 322 is amended to read:

18 § 322. ALLOCATION SYSTEM

19 (a) In determining the allocation of funds available for the purposes of this
20 chapter, the Board shall give priority to projects that combine the dual goals of
21 creating affordable housing and conserving and protecting Vermont's

1 agricultural land, historic properties, important natural areas or recreation lands
2 and also shall consider, but not be limited to, the following factors:

3 (1) the need to maintain balance between the dual goals in allocating
4 resources;

5 (2) the need for a timely response to unpredictable circumstances or
6 special opportunities to serve the purposes of this chapter;

7 (3) the level of funding or other participation by private or public
8 sources in the activity being considered for funding by the Board;

9 (4) what resources will be required in the future to sustain the project;

10 (5) the need to pursue the goals of this chapter without displacing lower
11 income Vermonters;

12 (6) the long-term effect of a proposed activity and, with respect to
13 affordable housing, the likelihood that the activity will prevent the loss of
14 subsidized housing units and will be of perpetual duration;

15 (7) geographic distribution of funds; and

16 (8) expanding access to land and home ownership to Vermonters who
17 have historically suffered discrimination or unequal access to benefits and
18 services, including Black, Indigenous, and People of Color.

19 (b) The Board's allocation system shall include a method, defined by rule,
20 that evaluates the need for, impact, and quality of activities proposed by
21 applicants.

1 Sec. 5. 10 V.S.A. § 325c is added to read:

2 § 325c. CONSERVATION EASEMENTS; ACCESS

3 The Board shall include in easements it obtains pursuant to chapter 155 of
4 this title, for projects that are owned by a nonprofit organization, a
5 municipality, or the State of Vermont, and for other lands as the Board finds
6 appropriate, one or more provisions that allow for pedestrian access to the
7 conserved land by members of Vermont-recognized tribes to gather for
8 noncommercial use medicines, natural foods, and ceremonial and natural
9 materials, but not including standing timber.

10 Sec. 6. 10 V.S.A. § 323 is amended to read:

11 § 323. ANNUAL REPORT

12 Prior to January 31 of each year, the Board shall submit a report concerning
13 its activities to the Governor and to the House Committees on Agriculture and
14 Forestry, on Appropriations, on Corrections and Institutions, on Energy and
15 Technology, on Natural Resources, Fish, and Wildlife, and on Ways and
16 Means and the Senate Committees on Agriculture, on Appropriations, on
17 Finance, on Institutions, and on Natural Resources and Energy. The report
18 shall include the following:

19 (1) a list and description of activities funded by the Board during the
20 preceding year, including commitments made to fund projects through housing

1 bond proceeds pursuant to section 314 of this title, and project descriptions,
2 levels of affordability, and geographic location;

3 (2) a list of contributions received by the Board, whatever their form or
4 nature, and the source thereof, unless anonymity is a condition of a particular
5 contribution;

6 (3) a full financial report of the Board's activities, including a special
7 accounting of all activities from July 1 through December 31 of the year
8 preceding the legislative session during which the report is submitted;

9 (4) if more than 70 percent of the funds allocated by the Board during
10 the previous year were allocated to either one of the dual goals of this chapter,
11 as established in subsection 302(a) of this title, the Board shall set forth its
12 reasons for not allocating funds more equally between the two; and

13 (5) identification and evaluation of structural barriers that are
14 contributing to racial, ethnic, and economic disparities in housing,
15 homeownership, and access to publicly supported open spaces; actions the
16 Board is taking to remove these barriers and increase equity and access to
17 Board-supported programs; and metrics to monitor progress in removing these
18 disparities.

19 Sec. 7. EFFECTIVE DATE

20 This act shall take effect on passage.