
Referred to Committee on

Date:

Subject: Commerce and trade; economic development

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

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

Sec. 1. FINDINGS AND PURPOSE

(a) The General Assembly finds:

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

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

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

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

(b) The purposes of this act are to:

(1) support the Vermont Housing and Conservation Board in expanding pathways and opportunities for Vermonters who have historically suffered discrimination or unequal access to benefits and services, including Black, Indigenous, and People of Color, to access land and homeownership:
(2) support the education and capacity of other organizations seeking to do the same; and

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

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

§ 303. DEFINITIONS

As used in this chapter:

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

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

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

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

(i) lower income Vermonters; or

(ii) for owner-occupied housing, Vermonters whose income is less than or equal to 120 percent of the median income based on statistics from State or federal sources; or
(iii) Vermonters who have historically suffered discrimination or unequal access to benefits and services, including Black, Indigenous, and People of Color;

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

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

(D) the preservation of historic properties or resources;

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

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

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

(4) “Eligible applicant” means any:

(A) municipality;

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

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

(D) cooperative housing organization, the purpose of which is the creation or retention of affordable housing for lower income Vermonters and
the bylaws of which require that such housing be maintained as affordable
housing for lower income Vermonters on a perpetual basis.

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

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

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

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

§ 311. ESTABLISHMENT AND ORGANIZATION

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

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

(1) The Secretary of Agriculture, Food and Markets or designee.
(2) The Secretary of Human Services or designee.

(3) The Secretary of Natural Resources or designee.

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

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

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

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

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

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

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

* * *

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

§ 322. ALLOCATION SYSTEM

   (a) In determining the allocation of funds available for the purposes of this chapter, the Board shall give priority to projects that combine the dual goals of creating affordable housing and conserving and protecting Vermont’s
agricultural land, historic properties, important natural areas or recreation lands
and also shall consider, but not be limited to, the following factors:

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

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

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

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

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

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

(7) geographic distribution of funds; and

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

(b) The Board’s allocation system shall include a method, defined by rule,
that evaluates the need for, impact, and quality of activities proposed by
applicants.
Sec. 5. 10 V.S.A. § 325c is added to read:

§ 325c.  CONSERVATION EASEMENTS; ACCESS

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

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

§ 323.  ANNUAL REPORT

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

(1) a list and description of activities funded by the Board during the preceding year, including commitments made to fund projects through housing
bond proceeds pursuant to section 314 of this title, and project descriptions,
levels of affordability, and geographic location;

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

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

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

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

Sec. 7. EFFECTIVE DATE

This act shall take effect on passage.