H.273


Referred to Committee on

Date:

Subject: Economic; housing; social equity

Statement of purpose of bill as introduced: This bill proposes to promote racial and social equity in land access and property ownership by creating grant programs, financial education, and other investments targeted to Vermonters who have historically suffered from discrimination and who have not had equal access to public or private economic benefits due to race, ethnicity, sex, geography, language preference, immigrant or citizen status, sexual orientation, gender identity, socioeconomic status, or disability status.

An act relating to promoting racial and social equity in land access and property ownership
It is hereby enacted by the General Assembly of the State of Vermont:

Sec. 1. LEGISLATIVE INTENT

(a) Equal opportunity is a fundamental principle of American democracy.

(b) Equal access to land and to wealth is a human right and a priority of the State of Vermont.

(c) Structural racism, defined as the laws, policies, institutional practices, cultural representations, and other societal norms that often work together to deny equal opportunity, has resulted in wealth disparities among Vermonters. Great social costs arise from these inequities, including threats to economic development, democracy, and the social health of the State of Vermont.

(d) Wealth disparities are a function of not only access to income, but also the ability to have access to the land and to property ownership, which has been impacted by race, ethnicity, sex, geography, language preference, immigrant or citizen status, sexual orientation, gender identity, socioeconomic status, and disability status. Wealth disparities directly and indirectly affect the health and wellness of individuals and communities.

(e) The foundation of our current economic system was built on land that was taken from Abenaki and other Indigenous persons, and the structures of our economic system were constructed with the labor of enslaved persons. The legacy of settler colonialism and chattel slavery has been systemic racism and discrimination embedded into many aspects of our modern way of life on this
land. The relationship between all persons and the land has been used to
oppress persons over the past several centuries. The laws and policies of our
State and nation severed Indigenous persons from their land while denying
them, Black persons, and other Persons of Color from having the opportunity
to access and to own land. These actions of the State led to systemic racism
that has impacted all Vermon ters who have historically suffered from
discrimination and who have not had equal access to public or private
economic benefits due to race, ethnicity, sex, geography, language preference,
immigrant or citizen status, sexual orientation, gender identity, socioeconomic
status, or disability status.

(f) In order to offer repair for the systemic discrimination faced by many
persons throughout the State over the past four centuries, the State of Vermont
must engage in a just transition to an economic system that systemically
undoes racism instead of reinforcing it. Efforts to remedy wealth disparity in
the United States have traditionally looked to the free market economy for
solutions to the very problem that it has created. However, there has been
increased recognition that improving access to land and property ownership
will require broader approaches. In order to rectify this history of inequity, we
must create opportunities for permanent land access in every town in Vermont
through collective and individual land ownership options, using new systems
that empower and center Vermon ters who have historically suffered from
discrimination and who have not had equal access to public or private
economic benefits due to race, ethnicity, sex, geography, language preference,
immigrant or citizen status, sexual orientation, gender identity, socioeconomic
status, or disability status.

(g) It is therefore the intent of this legislature to acknowledge and address
wealth disparity by creating new opportunities for individual and collective
land access and ownership for Vermonters who have historically suffered from
discrimination and who have not had equal access to public or private
economic benefits due to race, ethnicity, sex, geography, language preference,
immigrant or citizen status, sexual orientation, gender identity, socioeconomic
status, or disability status by ensuring equal access to owning property,
woodlands, and farmland in every town across the State of Vermont.

(h) In addition to the actions taken by this act, the State must engage in a
deep process of truth and reconciliation, guided by the persons who have been
most impacted, to address the underlying wounds of colonization and slavery.

Sec. 2. FINDINGS

(a) Definitions. As used in this section:

(1) “Non-White” means Black, Indigenous, and other Persons of Color
(BIPOC). The term is not intended to reflect self-identity but rather how
persons are categorized in the racial caste system on which discrimination has
been historically based in the United States. This term is used in this act
because currently Vermont typically disaggregates data solely by White and non-White.

(2) “Race and ethnicity” means the categories for classifying individuals that have been created by prevailing social perceptions, historical policies, and practices. The term includes how individuals perceive themselves and how individuals are perceived by others.

(b) Wealth Disparity in Vermont. Concerning the history of wealth disparity in Vermont, the General Assembly finds:

(1) History, research, and experience demonstrate that Vermont residents experience barriers to the equal enjoyment and economic benefit of land access and home ownership opportunities based on race and ethnicity.


(B) This structure created an inequity for homeownership, land access, resources, and wealth related to owning property through systemic oppression and systematic racism for those who were defined as native or slave.
(C) This systemic oppression would continue for generations to follow, including those who would immigrate later to the United States and could be categorized racially or ethnically.

(D) Prior to Vermont self-declaring its occupation of the land in 1777, it is estimated that at least 10,000 Indigenous persons were living in the region, specifically upwards of 4,000 Abenaki living in the Champlain Valley.

(E) Centuries of genocide, eugenics, broken treaties, displacement, and land dispossession placed persons of the Abenaki Nations and other Indigenous persons living in Vermont at a great social disadvantage.

(F) Although the original Vermont constitution abolished slavery in the State, it would not be until 1854 that an African American would be considered legally free, not being considered property, in the State and not until 1863 federally recognized as free from enslavement.

(G) During and since these early days of colonization and slavery, due to local, State, and federal policies that were intentionally developed to economically, socially, and racially discriminate against members of the BIPOC community, multi-generational poverty has created a disturbing disproportionate wealth gap for land and home ownership in what we now know as Vermont and the United States.
(3)(A) Several federal policies also resulted in land being stolen from Indigenous persons across North America and ultimately, led to the displacement and land dispossession of Indigenous persons in Vermont.

(B) Between 1497 and 1795, European settlers committed genocide against the Native Americans and stripped them of land ownership.

(C) A continuation of land dispossession happened between 1776 and 1887 when 1.5 billion acres of land was stolen from Indigenous Nations by the U.S. federal government.


(4)(A) One of the most devastating policies enacted that impacted Indigenous land ownership was the General Allotment Act of 1887, often referred to as the Dawes Act.
(B) As part of the Dawes Act, the federal government designed the policy to partition communal Indigenous lands into individual parcels of 40, 80, or 160 acres.

(C) The most productive lands from reservations were identified as “surplus to Indian needs” and sold to colonizers to exploit for natural resources.

(D) Under the allotment policies, colonial settlers could purchase and own land outright, but Native persons were deemed “incompetent” by the federal government and had to wait 25 years to gain the legal title and rights to sell the land.


(B) However, federal land policies and programs denied members of the BIPOC community farmland ownership opportunities that were available to their White counterparts.

(C) The federal government’s creation of early land use policies, such as those adopted under President Andrew Johnson, who overturned the infamous “40 acres and a mule” and implemented “states’ rights” based reconstruction policies, resulted in sharecropping. Giancatarino, A. and Noor, S. (2014). Building for the case of racial equity within the food system. New York, New York: Center for Social Inclusion.

(D) Sharecropping was the federal government prohibiting Black farmers from owning property and as a result they were forced to rent land from White landlords.


(H) In 1910, it was reported that 14 percent of all farm owner-operators in the United States were Black or African American.

(I) By 2012, they comprised only 1.5 percent of farm owners across the country. *See* https://www.aacu.org/liberaleducation/2016/fall/goldstein_felix-romero.


(B) This practice had a drastic impact on members of the BIPOC community for subsequent generations and further withheld generational wealth from the Black communities.
(C) The practice was started in 1934 by the U.S. Department of Housing and Urban Development’s Home Owners’ Loan Corporation (HOLC) program.


(E) The federal government insured private mortgages, which resulted in lower interest rates and a decline in the amount owed for the down payment to purchase a new home. Coates, T. (2014). The Case for Reparations. The Atlantic, June 2014.

(7)(A) In 1944, Congress signed the “Servicemen’s Readjustment Act,” which created the G.I. Bill of Rights.

(B) The bill was enacted to help World War II veterans with low-interest mortgages and granted stipends covering tuition and expenses for veterans attending college or trade schools.

(D) This important piece of legislation allowed many White veterans returning from war in Vermont and across the country to have access to wealth, land, and homeownership that thus created generational wealth for many White Vermonters, many of whom were recent European immigrants.


(E) Despite amendments to the U.S. Constitution and the 1866 Civil Rights Act, systemic racism, both within Vermont’s Housing and Agricultural sectors, remains prevalent today.

(8) On July 16, 2020, Burlington, Vermont took the bold move to declare racism as a public health emergency, citing that only four percent of the homes owned in Burlington were owned by persons of color while making up 18 percent of the population and that they were four and a half times as likely to be denied for a home loan compared to applicants who are White. See https://webpubcontent.gray.tv/wcax/docs/20200716%20Racism%20Public%20Health%20Emergency%20Declaration_Final.pdf.

(9)(A) To ensure the sustainability of Vermont’s future economically, socially, and as a front-runner in abolishing inequity, it is imperative that land access and home ownership for members of the BIPOC community be a priority.
(B) Housing disparity and land access may increase with Covid-19, advancing the triple threats of oppression—racism, classism, and sexism—in the State.

(C) The needs for isolation and quarantine to mitigate the pandemic have risen to the surface, and without access to land and home ownership for Vermonters who have a social disadvantage due to historic and current policies, we will not be able to effectively protect all citizens from the next outbreak.

(10)(A) Vermont continues to remain the State with the highest percent of White persons in the country.

(B) According to the 2010 United States Census, 94.2 percent of the population is White.

(C) Nearly a quarter of Black Vermonters lived in poverty, compared with 11 percent of Vermonters overall.

(D) However, poverty rates for the BIPOC community exceeded the State average in 2018.

(E) Poverty rates were also greater among persons who include themselves in two or more racial groups or identified as American Indian or of Hispanic or Latino origin. See https://publicassets.org/wp-content/uploads/2020/12/SWVT2020.pdf.
(c) Connection between health, wealth, and property ownership.

Concerning the connection between health, wealth, and property ownership, the General Assembly finds:

(1)(A) The U.S. Department of Agriculture defines “food insecurity” as “a household-level economic and social condition of limited or uncertain access to adequate food.” See https://www.ers.usda.gov/topics/food-nutrition-assistance/food-security-in-the-us/definitions-of-food-security.aspx#:~:text=Food%20insecurity%E2%80%94the%20condition%20assessed,may%20result%20from%20food%20insecurity.

(B) Food insecurity rates are higher for members of the BIPOC community who reside in the State of Vermont than their White neighbors.

(C) During the COVID-19 pandemic, it was estimated by the University of Vermont that 49 percent of BIPOC households in the State experienced food insecurity compared to 25.2 percent of White households.

Niles, Meredith T.; Bertmann, Farryl; Morgan, Emily H.; Wentworth, Thomas; Biehl, Erin; and Neff, Roni, “The Impact of Coronavirus on Vermonters Experiencing Food Insecurity” (2020). College of Agriculture and Life Sciences Faculty Publications. 19. https://scholarworks.uvm.edu/calsfac/19.

(D) Food insecurity has been linked to and known to cause mental health problems and depression, hypertension and hyperlipidemia, worse outcomes on health exams, being in poor or fair health, poor sleep, and obesity.
Gundersen, C. and Ziliak, J., “Food Insecurity and Health Outcomes” (2015).

Food and Health: An Outcome. 10.1377/hlthaff.2015.0645 HEALTH AFFAIRS 34, NO. 11.

(E) According to the 2018 Vermont Department of Health’s Behavioral Risk Factor Surveillance System report, non-White Vermonters are:

(i) statistically less likely to have a personal doctor;

(ii) statistically more likely to report poor mental health;

(iii) more than twice as likely to report rarely or never getting the emotional and social support they need;

(iv) significantly more likely to have depression;

(v) significantly more likely to have been worried about having enough food in the past year; and

(vi) significantly more likely to report no leisure time physical activity.

(2)(A) The average age is 33 for BIPOC Vermonters, versus 46 for Vermonters who are White.

(B) BIPOC Vermonters are also at a higher risk for more serious outcomes, such as hospitalization.

(C) Although there are not statistically significant differences in the rates of pre-existing conditions, including diabetes, lung disease, and
cardiovascular disease, among all Vermonters, there are disparities in rates of
pre-existing conditions among COVID-19 cases.

(D) The pre-existing conditions rate among COVID-19 cases is 19.4
for BIPOC Vermonters.

(3)(A) Access to healthy, fresh, nutritious foods has been directly linked
to better health outcomes.

(B) Access to secure land tenure to grow food has been linked to
better health outcomes for persons living in poverty in Vermont and across the
country.

(C) In fact, because of this seeds were deemed essential in the early
days of the Covid-19 pandemic, making planting a garden or farming two of
the most sustainable ways families create “food security” for themselves while
being in quarantine or statewide “lockdown.”

(4)(A) Property ownership rates for the BIPOC community in the State
continue to remain stagnant.

(B) In a 2019 equity report, Burlington city officials found that
BIPOC own only four percent of the homes there, though they make up
18 percent of the city’s population.

(C) Furthermore, Black Burlingtonians are four times as likely to be
denied for a home loan as a White counterpart.
(D) This is a direct result of the wealth gap between the BIPOC community and their White counterparts.

(E) The median household income for a Black Vermonter is $41,533.00 compared to $58,244.00 for their White counterparts. Vermont Housing Finance Agency; and the U.S. Census Bureau 2018 5 year ACS Table S1903.

(F) Nearly 24 percent of Black Vermonters live in poverty compared to nearly 11 percent of White Vermonters.


(B) BIPOC farmers in Vermont have been impacted by such systemic barriers at the municipal, State, and federal levels, which resulted in BIPOC
farmers experiencing land dispossession and the denial of access to capital and
resources to enable land ownership.

(C) As a result, Vermont producers remain overwhelming White
(97.7 percent) and operate approximately 99 percent of land in farms in the
State.

(D) According to the 2017 National Agricultural Census, only
2.3 percent of producers in Vermont identify as BIPOC, compared to the
six percent of producers across New England who identify as BIPOC and the
4.87 percent nationally. *Vermont Farm to Plate, Racial Equity in the Vermont
Food System.*

(6)(A) For these reasons, few farmers of color own and rent farmland in
Vermont today.

(B) Especially in urban and peri-urban areas, lack of land ownership
and long-term leasing opportunities prevents many BIPOC farmers from
growing food.

(C) Furthermore, farmland owners in the State also remain
disproportionately White.

(D) According to the 2017 National Agricultural Statistic Service,
142 farms in the State were fully owned by BIPOC producers, which includes
American Indian or Alaska Native; Asian; Black or African American; Native
Hawaiian or Pacific Islander; Multi-Racial and Hispanic or Latino/a, compared to the 4,561 farms in the State that were owned by White producers.

(7)(A) Food justice and sovereignty leaders of color across the State emphasize the role of secure farmland ownership and farming opportunities as key pathways to address the economic, environmental, and social injustices that were created by centuries of policies that exploited BIPOC farmers.

(B) Farming represents an opportunity for BIPOC farmers to reconnect with the land, promote food justice and sovereignty, and self-determination and sufficiency through food cultivation.

Sec. 3. PURPOSE

The purpose of this act is to invest in individual and collective land access and property ownership as a way to move towards greater racial and social equity in wealth distribution.

Sec. 4. 10 V.S.A. § 12 is added to read:

§ 12. VERMONT LAND ACCESS AND OPPORTUNITY FUND

(a) There is created a special fund in the State Treasury named the “Vermont Land Access and Opportunity Fund.”

(b) Notwithstanding any contrary provisions of 32 V.S.A. chapter 7, subchapter 5:

(1) The Vermont Land Access and Opportunity Board, created in section 13 of this title, shall administer the Fund.
(2) The Fund shall comprise monies appropriated to it by the General Assembly and other public or private monies the Board accepts.

(3) Unexpended balances and any earnings shall remain in the Fund from year to year.

(4) The Board shall expend monies from the Fund consistent with the powers and duties specified in section 13 of this title.

Sec. 5. 10 V.S.A. § 13 is added to read:

§ 13. VERMONT LAND ACCESS AND OPPORTUNITY BOARD

(a) Creation. There is created the Vermont Land Access and Opportunity Board, which for administrative purposes shall be attached to the Agency of Commerce and Community Development.

(b) Organization of Board. The Board shall be composed of:

(1) the Executive Director of Racial Equity or designee;

(2) three members appointed by the Vermont Commission on Native American Affairs, at least two of whom are Abenaki;

(3) two members appointed by the Vermont NAACP;

(4) a member appointed by the Vermont Racial Justice Alliance;

(5) a member appointed by the Vermont Releaf Collective;

(6) a member appointed by the Vermont Every Town project;

(7) a member with financial expertise appointed by the Secretary of Commerce and Community Development:
(8) a member with real estate expertise appointed by the Commissioner of Housing and Community Development;

(9) a member with farming expertise appointed by the Secretary of Agriculture, Food and Markets;

(10) a social worker with expertise in anti-racism appointed by the National Association of Social Workers, Vermont Chapter; and

(11) two members appointed by the Pride Center of Vermont who are LGBTQ.

(c) Member terms; priority; composition.

(1) A member of the Board shall serve a term of three years or until the member’s earlier resignation or removal.

(2) An appointing authority shall fill a vacant seat pursuant to subsection (b) of this section.

(3) When selecting members of the Board, appointing authorities shall give priority to, and shall seek to appoint a balanced mix of, Vermonters who have historically suffered from discrimination and who have not had equal access to public or private economic benefits due to race, ethnicity, sex, geography, language preference, immigrant or citizen status, sexual orientation, gender identity, socioeconomic status, or disability status.
(d) Officers; committees; advisors. The Board may elect officers, establish one or more committees or subcommittees, and adopt procedural rules as it determines are necessary and appropriate to perform its work.

(e) Quorum; meetings; voting.

(1) A majority of the sitting members constitutes a quorum.

(2) The Board may take action by a majority of the members present and voting at any regular or special meeting at which a quorum is present.

(3) The Board may permit any or all directors to participate in a regular or special meeting by, or conduct the meeting through the use of, any means of communication, including an electronic, telecommunications, and video- or audio-conferencing conference telephone call, by which all members participating may simultaneously or sequentially communicate with each other during the meeting. A member participating in a meeting by this means is deemed to be present in person at the meeting.

(f) Compensation. Private sector members shall be entitled to per diem compensation authorized under 32 V.S.A. § 1010(b) for each day spent in the performance of their duties, and each member shall be reimbursed from the Fund for his or her actual and necessary expenses incurred in carrying out his or her duties.

(g) Powers and Duties. The Board shall have the authority and duty to promote racial and social equity in property ownership for Vermonters who
have historically suffered from discrimination and who have not had equal
access to public or private economic benefits due to race, ethnicity, sex,
geography, language preference, immigrant or citizen status, sexual
orientation, gender identity, socioeconomic status, or disability status, as
follows:

(1) The Board shall award grants for the purchase of a primary
residence.

(2) The Board shall award grants for the purchase of a farm property or
land deemed suitable for regenerative practices.

(3) The Board shall award grants for land access and stewardship
programs.

(4) The Board shall award funding to new and existing financial
education, wealth management, and regenerative natural resource programs led
by and focused on Vermonters who have historically suffered from
discrimination and who have not had equal access to public or private
economic benefits due to race, ethnicity, sex, geography, language preference,
immigrant or citizen status, sexual orientation, gender identity, socioeconomic
status, or disability status.

(5) The Board shall:

(A) retain wealth, financial, and natural resource advisors who are
Vermonters who have historically suffered from discrimination and who have
not had equal access to public or private economic benefits due to race, 

ethnicity, sex, geography, language preference, immigrant or citizen status, 

sexual orientation, gender identity, socioeconomic status, or disability status; 

and 

(B) use the services of those advisors to provide and create education, 

wealth management, and regenerative natural resources services to grant 

recipients. 

(6) The Board shall award grants to anti-racist mutual aid networks that 

support recipients of grants awarded pursuant to subdivisions (1)–(2) of this 

subsection. 

(7) The Board shall award grants to groups proposing to share land, to 

create commons, and for collective ownership. 

(8) The Board shall grant funds to the Every Town Project to purchase 

and hold land in trust in every municipality in Vermont in order to promote 

land access and stewardship by Vermonters who have historically suffered 

from discrimination and who have not had equal access to public or private 

economic benefits due to race, ethnicity, sex, geography, language preference, 

immigrant or citizen status, sexual orientation, gender identity, socioeconomic 

status, or disability status. 

(9) The Board shall work with the Vermont Housing Finance Agency to 

explore ways to apply grants to mortgage subsidies and explore ways to
overcome the barriers to obtaining a mortgage, including debt-to-income
ratios, redlining, and the impact of algorithmic systems of decision making.

(10) The Board shall work with the Vermont Department of Taxes to
explore ways to provide tax breaks to properties attached to the grants.

(h) Eligibility.

(1) The Board shall have the authority to adopt rules concerning
eligibility criteria for recipients and rules for the use of grant funds, which
shall include income guidelines, limits on the amount of grants, and rules
governing the transfer of grant-funded properties, generational poverty,
inheritance, and impact of any other assistance already received.

(2) The Board shall allocate grants to achieve a balanced, healthy mix of
private ownership and collective ownership.

Sec. 6. APPROPRIATIONS

In fiscal year 2022, the amount of $10,000,000.00 is appropriated from the
General Fund to the Vermont Land Access and Opportunity Fund created in
10 V.S.A. § 12 for grants and other expenditures approved by the Vermont
Land Access and Opportunity Board.

Sec. 7. EFFECTIVE DATE

This act shall take effect on July 1, 2021.