

1 TO THE HOUSE OF REPRESENTATIVES:

2 The Committee on General, Housing, and Military Affairs to which was
3 referred House Bill No. 273 entitled “An act relating to promoting racial and
4 social equity in land access and property ownership” respectfully reports that it
5 has considered the same and recommends that the bill be amended by striking
6 out all after the enacting clause and inserting in lieu thereof the following:

7 Sec. 1. LEGISLATIVE INTENT

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

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

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

16 (d) Wealth disparities are a function not only of access to income, but also
17 of factors that have systemically inhibited the ability to have equitable access
18 to land and to property ownership, such as race, ethnicity, sex, geography,
19 language preference, immigrant or citizen status, sexual orientation, gender
20 identity, socioeconomic status, and disability status. Wealth disparities
21 directly and indirectly affect the safety, health, and wellness of individuals and

1 communities over generations and are exacerbated by social and environmental
2 crises, such as the COVID-19 pandemic and climate change.

3 (e) Addressing wealth disparities and enabling land and permanent home
4 access for populations who have been most impacted by institutions that
5 uphold structural racism and inequities due to race, ethnicity, sex, geography,
6 language preference, immigrant or citizen status, sexual orientation, gender
7 identity, socioeconomic status, and disability status is a priority for the State of
8 Vermont as it seeks to confront the generational damage caused and increase
9 accessibility and livelihood for these residents.

10 (f) The foundation of the United States economic system was built on land
11 that was taken from Abenaki and all other Indigenous persons, and the
12 structures of our economic system were constructed with the labor of enslaved
13 persons. The legacy of settler colonialism and chattel slavery has resulted in
14 structural racism and discrimination being embedded into many aspects of our
15 modern way of life. The laws and policies of our State and nation severed
16 Indigenous persons from their land while denying them, Black persons, and
17 other Persons of Color from having the opportunity to access and own land.
18 These actions of the State led to the creation of structural racism that has
19 impacted all Vermonters who have historically suffered from discrimination
20 and who have not had equal access to public or private economic benefits due
21 to race, ethnicity, sex, geography, language preference, immigrant or citizen

1 status, sexual orientation, gender identity, socioeconomic status, and disability
2 status.

3 (g) Efforts to remedy wealth disparity in the United States have traditionally
4 looked to the free market economy for solutions to the very problem that it has
5 created. However, there has been increased recognition that improving access
6 to land and property ownership requires broader approaches. In order to rectify
7 the history of inequity in Vermont, a broad approach that creates opportunities
8 and resources in every town for permanent land and home access must be
9 designed by and for communities most impacted by structural racism and
10 inequitable access to resources due to race, ethnicity, sex, geography, language
11 preference, immigrant or citizen status, sexual orientation, gender identity,
12 socioeconomic status, and disability status.

13 (h) It is therefore the intent of this Legislature to acknowledge and address
14 wealth disparity by creating new opportunities for individual and collective
15 access to owning property, homes, farmland, and woodlands in every town
16 across the State for Vermonters who have been marginalized for generations
17 due to the legacy of settler colonialism and chattel slavery and inequities due to
18 race, ethnicity, sex, geography, language preference, immigrant or citizen
19 status, sexual orientation, gender identity, socioeconomic status, and disability
20 status.

1 (i) The State of Vermont must engage in a just transition to an economic
2 and social system that systemically undoes legacies of structural racism and
3 marginalization instead of reinforcing them and shall make meaningful steps
4 towards a just transition by:

5 (1) acknowledging and offering repair for wealth disparities and damage
6 incurred over centuries as a result of systemic discrimination that has been and
7 currently is faced by many persons throughout the State;

8 (2) creating structures, such as provided in this act, that imminently
9 increase equitable access to land, homes, to address basic needs of structurally
10 marginalized populations today; and

11 (3) addressing current and future exacerbators of wealth disparity, such
12 as the COVID-19 pandemic and climate crisis, by creating equitable systems to
13 prevent the past from repeating itself that expand, rather than contract, land
14 and home opportunities for persons most impacted by structural racism.

15 (j) This act is a community-led process in collaboration with the State of
16 Vermont for meaningfully addressing wealth disparities and historical missteps
17 that have institutionalized and upheld structural racism and structural
18 marginalization through legal and fiscal methodologies in the State of
19 Vermont, in federal laws, and in common practices.

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

4 Sec. 2. FINDINGS

5 (a) Definitions. As used in this section:

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

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

16 (3) Structural racism, defined as the laws, policies, institutional practices,
17 cultural representations, and other societal norms that often work together to
18 deny equal opportunity, and has resulted in wealth disparities among
19 Vermonters.

20 (4) Structural marginalization results from structures and institutions that
21 unevenly distribute benefits and burdens to different groups, and as a result,

1 marginalize certain groups or people disproportionately due to race, ethnicity,
2 sex, geography, language preference, immigrant or citizen status, sexual
3 orientation, gender identity, socioeconomic status, and disability status.

4 (5) Climate migration is the movement and relocation of people in
5 response to increasing and/or projected severity of climatic conditions, which
6 encapsulates both internal relocation as well as seeking citizenship in a new
7 country. Climate migration includes internally displaced people, or those
8 forced to relocate due to dyer or inhabitable climatic conditions, and those who
9 have not been displaced but are making an active choice to seek safer locations
10 with more stable environmental resources.

11 (6) Just Transition is a term that encompasses public policy, social, and
12 business actions that equitably address the impacts of the transition away from
13 greenhouse gas emissions for jobs and livelihoods (the transition "out") and the
14 generation of low or zero greenhouse gas emission jobs and livelihoods of a
15 sustainable society (the transition "in"), according to the Vermont Climate
16 Action Plan.

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

19 (1) History, research, and data depicting disparities over time
20 demonstrate that Vermont residents experience barriers to the equal health and
21 economic benefit of land access and homeownership opportunities based on

1 race and ethnicity. Current inequities and disparities are a result of sustained
2 structural racism over centuries and generations and are magnified by factors
3 of social, economic, and environmental instability.

4 (2) The United States of America was founded as a country on a
5 triangular relationship between settlers, native peoples, and enslaved persons.
6 This relationship was dependent on land, access to land, and domination over
7 populations of people that is often celebrated in American culture as successes
8 of colonization. The triangular relationship and its intersections with land and
9 [un]equal ability to generate and secure wealth created foundational inequities
10 to land access, resources, home ownership, and wealth related to owning
11 property for those who were identified as native or enslaved people and their
12 descendents. The structural racism that developed during this country's
13 inception has been perpetuated for generations to follow, embedded in laws
14 and normalized oppression, since the initial colonization of this land,
15 indigenous populations, and the era of slavery, while it has also expanded to
16 include those who would emigrate later to the US and could be categorized
17 racially or ethnically.

18 (3) During and since these early days of colonization and slavery, due to
19 local, state, and federal policies that were intentionally developed to
20 economically, socially, and racially discriminate against Black, Indigenous,
21 and other People of Color (BIPOC), mutli-generational poverty has created a

1 disturbingly disproportionate wealth gap for land and home ownership in what
2 we now know as Vermont and the United States of America. Following the
3 abolition of slavery, the United States government at the federal, state, and
4 local levels, continued to perpetuate, condone and often profit from practices
5 that continued to brutalize and disadvantage BIPOC communities, including
6 sharecropping, convict leasing, Jim Crow laws, redlining, unequal education,
7 and disproportionate treatment at the hands of the criminal justice system.

8 (4) Prior to Vermont self-declaring its occupation of the land in 1777, it
9 is estimated that at least 10,000 Indigenous people were living in the region,
10 specifically upwards of 4,000 Abenaki living in the Champlain Valley.
11 Centuries of genocide, eugenics, broken treaties, displacement, and land
12 dispossession placed people of the Abenaki Nations and other Indigenous
13 peoples living in Vermont at a great social disadvantage in terms of wealth
14 disparity, as well as incalculable impacts of loss of culture and identity.
15 The eugenics movement had a significant and lasting impact on the erasure of
16 history and visibility of Abenaki communities. In 1925, Henry F. Perkins,
17 professor of zoology at the University of Vermont, organized the Eugenics
18 Survey of Vermont with the threefold mission: eugenics research, public
19 education on their findings, and support for social legislation that would reduce
20 the apparent growing population of Vermont's "social problem group."

1 (5) Through this survey, Perkins aimed to reduce Vermont’s
2 “underclass” population through forced sterilization of various demographics
3 of Vermonters, most notably the Abenaki. Most notorious of these reforms was
4 Vermont's 1931 eugenic sterilization law, "A Law for Human Betterment by
5 Voluntary Sterilization."

6 (6) The Eugenics Survey closed in 1936 at the completion of a ten year
7 agreement to fund the enterprise. Eugenics education continued at the
8 University of Vermont and other colleges and high schools in the state.
9 Vermont's eugenic solutions - in the form of identification, registration,
10 intervention in families with problem or “backward” children, and sterilization
11 of those deemed unfit to conceive future Vermonters - continued under the
12 supervision of the Department of Public Welfare and associated agencies. To
13 avoid being targeted, many Vermont Abenaki were forced to hide their
14 indigeneity, going as far as to change their names, and not report their Native
15 American status on census documents.

16 (7) Eugenics in Vermont did not begin with the Eugenics Survey, nor
17 did it disappear after the Survey closed in 1936. This enterprise, however, with
18 the support and endorsement of social reformers, government agencies and
19 private philanthropies, acted as the official agency of the American eugenics
20 movement in Vermont. The effects of these studies - social rejection,
21 intensified surveillance and intervention by social agencies, and placement of

1 family members in state institutions and/or sterilization - were devastating and
2 enduring.

3 (8) The effects of the Eugenics Survey continue to oppress the Abenaki.
4 Even today, many Abenaki individuals are skeptical of government surveys
5 like the Census, fearing that the data will be used against them. The history of
6 the Abenaki is fraught with erasure and oppression. The Abenaki have
7 overcome colonization, racism, targeted sterilization and being classified as
8 legally extinct in their homeland until 2011. The Abenaki people have been
9 denied legal recognition by the State of Vermont since legal interventions in
10 the 1970s and only became recognized in 2011-2012, while still not being
11 federally recognized, highlighting the erasure of their histories and cultures
12 that are upheld by legacies of colonization.

13 (9) Several federal policies resulted in land being stolen from
14 Indigenous People across North America and ultimately, led to the
15 displacement and land dispossession of Indigenous People in Vermont.
16 Between 1497 and 1795, European settlers committed genocide against the
17 Native Americans and stripped them of land ownership. A continuation of land
18 dispossession happened between 1776 and 1887 when 1.5 billion acres of land
19 was stolen from Indigenous Nations by the U.S. federal government. In 1823,
20 the United States Supreme Court (Johnson vs. McIntosh, 21 U.S. 543;
21 Cherokee Nation v. Georgia, 30 U.S.; Worcester v. Georgia, 31 U.S. 515)

1 ruled that Indigenous People can live within the United States but could not
2 hold property titles because European settlers’ “right to discovery” trumped
3 Indigenous Peoples’ “right of occupancy.” This was also known as the
4 Discovery Doctrine.

5 (10) One of the most devastating policies enacted that impacted
6 Indigenous land ownership was the General Allotment Act of 1887, often
7 referred to as The Dawes Act. As part of The Dawes Act, the federal
8 government designed the policy to partition communal Indigenous lands into
9 individual parcels of 40, 80, or 160 acres. The most productive lands from
10 reservations were identified as “surplus to Indian needs” and sold to colonizers
11 to exploit for natural resources. Under the allotment policies, colonial settlers
12 could purchase and own land outright but Native people were deemed
13 “incompetent” by the federal government and had to wait 25 years to gain the
14 legal title and rights to sell the land. In addition to the land grab, the act aimed
15 to “civilize” and assimilate Indigenous people in order to dissolve their
16 connections to their traditional land, culture, and identity.

17 (11) Approximately 4,000,000 Africans and their descendants were
18 enslaved in the United States and colonies that became the United States from
19 1619 to 1865. The institution of slavery was constitutionally and statutorily
20 sanctioned by the Government of the United States from 1789 through 1865.
21 Though Vermont was the first state in the country to ban slavery within the

1 1777 constitution, the result of this constitutional ban was not that simple. The
2 constitution only outlawed adult slavery, while it was still legal to enslave
3 Black children in Vermont. Women could be enslaved until they were 18, and
4 men until they were 21. The psychological and financial impacts of slavery’s
5 continued legacies are poorly documented, yet astronomical.

6 (12) After the Civil War, formerly enslaved persons and their
7 descendants obtained between 12 million to 19 million acres of land.
8 However, federal land policies and programs denied Black, Indigenous, and
9 People of Color (BIPOC) farmland ownership opportunities that were available
10 to their white counterparts. The federal government’s creation of early land use
11 policies resulted in sharecropping, such as President Andrew Johnson’s
12 overturning of “40 acres and a mule” and implementing “state’s rights” based
13 reconstruction policies. Sharecropping was the federal government prohibiting
14 Black farmers from owning property, and as a result, they were forced to rent
15 land from white landlords. Many Black farmers at this time experienced unfair
16 terms and agreements. The United States Department of Agriculture (USDA)
17 and Farm Service Agency (FSA) Loan Distribution Program have made it
18 difficult for Black and Brown people to own farmland. The rate of “Black
19 land-loss” can be attributed to Jim Crow, racist practices conducted by the
20 USDA and decades of farm busts. In 1910, it was reported that 14% of all farm

1 owner-operators in the United States were Black or African American. By
2 2012, they comprised only 1.5% of farm owners across the country.

3 (13) Redlining was the practice of denying bank loans for mortgages to
4 Black and Brown people and it was used to segregate Black and Brown
5 communities into inner city neighborhoods. This practice had a drastic impact
6 on Black, Indigenous, and Communities of Color for subsequent generations
7 and further withheld generational wealth from the Black communities. The
8 practice was started in 1934 by the United States Department of Housing and
9 Urban Development’s Home Owners’ Loan Corporation (HOLC) program.
10 The HOLC program was criticized for denying Black and Brown residents
11 equal access to home mortgages, often offering subprime loans that came with
12 unusually severe terms. The federal government insured private mortgages,
13 which resulted in lower interest rates and a decline in the amount owed for the
14 down payment to purchase a new home.

15 (14) In 1944, Congress signed the “Servicemen’s Readjustment Act”
16 which created the G.I. Bill of Rights. The bill was enacted to help World War
17 II veterans with low-interest mortgages and grant stipends covering tuition and
18 expenses for veterans attending college or trade schools. Funds from the bill
19 were only made available to white soldiers returning from war and not BIPOC
20 veterans. This important piece of legislation allowed many white veterans
21 returning from war in Vermont and across the country to have access to

1 wealth, land, and home ownership that thus created generational wealth for
2 many white Vermonters, many of whom were recent European immigrants.

3 (15) Despite amendments to the United States Constitution and the Civil
4 Rights Acts of 1866 and 1964, structural racism within Vermont’s housing and
5 agricultural sectors remains embedded and prevalent today. The sustainability
6 of Vermont’s future economically, socially, and as a front runner in abolishing
7 inequity, it is imperative that land access and home ownership for Black,
8 Indigenous, and other People of Color be a priority.

9 (c) Concerning the connection between health, wealth, and property
10 ownership, the General Assembly finds:

11 (1) Vermont continues to remain among the states with the highest
12 percent of white people in the country, with 94.16% of the population
13 identified as white in 2021. However, poverty rates for BIPOC exceeded the
14 state average in 2018. Nearly 24% of Black Vermonters live in poverty
15 compared to nearly 11% of White Vermonters. Poverty rates were also greater
16 among people who include themselves in two or more racial groups, or
17 identified as American Indian or of Hispanic or Latino origin.

18 (2) Historical context supports the conclusion that Black Americans
19 were not afforded opportunities to gain access to homes or land in Vermont
20 due to the same forces of social and legal discrimination that abused and
21 discriminated against them in every state in the nation between the 1800s and

1 now. Facially-neutral law and policy tactics have been used to discriminate
2 against BIPOC, particularly through the regulation of financial institutions
3 (bank lenders) and urban planning or zoning laws. Research conducted for the
4 2020 Vermont Housing Needs Assessment reveals a stark facial disparity, with
5 Vermont’s home ownership rate among White households as 72 percent, and
6 Black households at 21 percent. Further, the median household income for
7 White households is \$58,244, compared to \$41,553 for Black households. In
8 July 2020, the City of Burlington took the step to declare racism as a public
9 health emergency, citing that only four percent of the homes owned in
10 Burlington were owned by BIPOC, while making up 18 percent of the
11 population, and that they were four and a half times as likely to be denied for a
12 home loan than compared to applicants that are white. Vermont’s specific
13 history of home ownership discrimination is traceable through the historical
14 impacts of racist government agency administrators and an absence of legal
15 protections against employment and housing discrimination between 1800-
16 2000, which are evidently universal in every state.

17 (3) During the New Deal era (1930-1950), the Federal Housing
18 Administration (FHA) administered a mortgage insurance program (Section
19 203(b)) with the intent to increase home ownership and aid middle-class
20 households in further building their wealth. The agencies administering these
21 loans demonstrably discriminated against Black Americans, and on top of that,

1 passed a regulation requiring 203(b) mortgage loans to be the exclusive tool
2 used by first-time homebuyers, in effect ensuring that no governmental or
3 nongovernmental entities could offer Black Americans the opportunity to
4 become homeowners. Vermont is one of the states that waved banking
5 regulations for FHA-insured mortgages, impliedly authorizing this
6 discrimination. Furthermore, notorious racial covenants within house deeds
7 and apartment complex rental contracts are well documented throughout New
8 England cities, including Burlington. Federal law allowed racial covenants
9 until the U.S. Supreme Court’s 1948 Shelley v. Kraemer decision.

10 (4) Studies show that the socio-legal contexts at the turn of the century
11 impacted Black Vermonters, enabling them to get loans and mortgages for a
12 brief period of time, and that by mid-century, it became more and more
13 difficult as white lenders stopped loaning money to Black Americans as part of
14 a larger nationwide backlash to a growing class of free Black communities.
15 Vermont’s history thus depicts a progression of overt and socioeconomically-
16 discriminatory violence towards its Black population between 1777 and the
17 1950s. Adult slavery was not comprehensively banned until well into the
18 1800s, Black individuals were not offered industry or agricultural jobs, and in
19 the New Deal era, Black individuals were refused the publicly-funded loans
20 that helped so many white families purchase land and homes.

1 (5) A robust body of literature documents the historical and structural
2 drivers of racial and ethnic disparities in farmland tenure and farming in the
3 United States. BIPOC farmers in Vermont have been impacted by such
4 systemic barriers at the municipal, state, and federal levels, which resulted in
5 BIPOC farmers experiencing land dispossession and the denial of access to
6 capital and resources to enable land ownership. As a result, Vermont producers
7 remain overwhelmingly white (97.7%) and operate approximately 99% of land
8 in farms in the state. According to the 2017 National Agricultural Census, only
9 2.3% of producers in Vermont identify as BIPOC. This is compared to the 6%
10 of producers across New England who identify as BIPOC and the 4.87%
11 nationally.

12 (6) For these reasons, few BIPOC farmers own and rent farmland in
13 Vermont today. Especially in urban and peri-urban areas, lack of land
14 ownership and long-term leasing opportunities prevents many BIPOC farmers
15 from growing food. Furthermore, farmland owners in the state also remain
16 disproportionately white. According to the 2017, National Agricultural
17 Statistic Service, 142 farms in the state were fully owned by BIPOC producers
18 (this includes American Indian or Alaska Native; Asian; Black or African
19 American; Native Hawaiian or Pacific Islander; Multi-Racial and Hispanic or
20 Latino/a) compared to the 4,561 farms in the state that are owned by white
21 producers.

1 (7) During the COVID-19 pandemic, it was estimated by the University
2 of Vermont that 49.0% of BIPOC households in the state experienced food
3 insecurity compared to 25.2% of white households. The United States
4 Department of Agriculture defines “food insecurity” as “a household-level
5 economic and social condition of limited or uncertain access to adequate
6 food.” Food insecurity rates are higher for BIPOC who reside in the state of
7 Vermont than their white neighbors. Food insecurity has been linked to and
8 known to cause mental health problems and depression; hypertension and
9 hyperlipidemia; worse outcomes on health exams; being in poor or fair health;
10 poor sleep; and obesity.

11 (8) Food justice and sovereignty leaders of color across the state
12 emphasize the role of secure farmland ownership and farming opportunities as
13 key pathways to address food security and the economic, environmental, and
14 social injustices that were created by centuries of policies which exploited
15 BIPOC farmers. The Justice for Black Farmers Act of 2020 recognizes
16 increasing farmland ownership opportunities for Black farmers as a critical
17 way to address food security, as well as to address historical discrimination and
18 disparities within USDA programs and the agricultural sector by providing
19 land grants to Black farmers and assistance to socially disadvantaged farmers,
20 ranchers, and groups. Farming represents an opportunity for BIPOC farmers to

1 reconnect with the land and make progress on food security, food sovereignty,
2 and the impacts of health and wealth disparities through food cultivation.

3 (d) Current and Future Exacerbators of Wealth Disparity in Vermont.

4 Concerning the connections between structural racism and the impacts of the
5 climate crisis, the General Assembly finds that:

6 (1)(A) Pursuant to the Findings herein summarizing systemic causes and
7 damaging impacts of ongoing structural racism and legacies of colonization
8 and chattel slavery; and

9 (B) pursuant to the Findings in the Vermont Global Warming
10 Solutions Act (H.688), the Vermont Climate Action Plan, and Vermont
11 Climate Assessment that outline the current and projected impacts of climate
12 change in Vermont, as well as actions toward a just transition;

13 (C) the State of Vermont must not only repair damage inflicted to
14 communities that have been disproportionately damaged by structural racism
15 over generations, but the State is also responsible for preventing structural
16 racism from continuing to systemically harm future generations.

17 (2) According to VT H.688 and the Intergovernmental Panel on Climate
18 Change (IPCC), the climate crisis “disproportionately impacts rural and
19 marginalized, disenfranchised, and disinvested communities, which already
20 bear significant public health, environmental, socioeconomic, and other
21 burdens. Mitigation, adaptation, and resilience strategies must prioritize the

1 allocation of investment of public resources to these communities and
2 minimize, to the greatest extent practicable, potential regressive impacts.”
3 Historically marginalized communities, such as indigenous communities,
4 communities of color, and low-income populations often suffer the gravest
5 consequences of climate change, while they are the least responsible for the
6 causes of the climate crisis. These communities are also often further
7 disadvantaged by responses to climate change that reproduce or exacerbate
8 existing inequities, including being the last to receive emergency assistance in
9 disasters and rarely being included or considered in the planning processes at
10 local, national and international levels. As communities structurally
11 marginalized for generations, they have fewer resources to cope with climate
12 change, including the ability to move away from highest risk and impacted
13 zones where developments for BIPOC communities have been built on land
14 with lowest value because of environmental risks, such as flooding, industrial
15 air pollution, and contaminated water and land.

16 (3) While Vermont is home to six of the top ten counties in the country
17 that are projected to have fewer risks due to impacts of climate change through
18 2060, this data is no way indicating that Vermont will not be severely impacted
19 by the erratic climate conditions, but rather, it points to the need for the State
20 of Vermont to sufficiently plan for climate migration - of both climate refugees
21 displaced permanently from their homes/homelands, as well as climate

1 migrants who preemptively choose and have resources to move to a place with
2 more stable environmental conditions.

3 (4) With realities of climate change that disproportionately impact
4 BIPOC communities and exacerbate wealth disparities, including the current
5 real estate and housing shortage spurred by both climate-related and pandemic-
6 related migration, the state of Vermont acknowledges that it must proactively
7 design mechanisms, such as H.273, that improve accessibility to permanent,
8 safe residency and purposefully create space and opportunities for those most
9 impacted by structural racism to prevent exacerbated inaccessibility due to
10 patterns of land grabs normalized by legacies of colonization throughout U.S.
11 history.

12 (5) According to the 2020 ATTOM Data Solutions U.S. Home Equity &
13 Underwater report, Vermont has the highest percentage (42.7 percent) of
14 equity-rich homes in the nation (17.8 million), which means that the combined
15 estimated amount of loans secured by those properties was 50 percent or less
16 of their estimated market value. 46 percent of home sellers in Vermont in
17 2020-2021 traded up for newer, bigger, more expensive residences.
18 Homeownership is a mechanism for building and maintaining wealth that
19 historically has been far less accessible to BIPOC communities due to
20 structural racism outlined in these Findings; meanwhile, 96 percent of
21 households in Vermont are headed by someone who is racially white alone; 72

1 percent of home ownership is white; and the median sales price on a Vermont
2 home rose 45 percent between May 2020 and May 2021. In contrast, this was
3 the same time period when nearly half of BIPOC households in the state
4 reported food insecurity, a staggering demonstration of wealth disparity.

5 (6) Data collected by the state Department of Taxes and analyzed by the
6 Vermont Center for Geographic Information, shows that home sales to out-of-
7 staters reached their highest level in years with a 38 percent increase in 2020
8 that compares to a 3 percent increase in 2019 and no change in 2018. The tax
9 department logged 3,795 sales to out-of-state buyers in 2020, compared to
10 2,750 in 2019. Housing inventories are at record lows, and prices continue to
11 rise, while Vermont is among the states with the highest percentages of
12 second/vacation homes. This indicates that home and land ownership in
13 Vermont is becoming less equitable and accessible to BIPOC Vermonters, and
14 factors of climate migration will play a significant role in accessibility to land
15 and homes.

16 (7) With the demographic divisions of land and home ownership in
17 Vermont already stark, the State of Vermont seeks to create mechanisms to
18 distribute resources for BIPOC land access and opportunities to address current
19 wealth disparities and prevent furthering gaps due to impacts of the climate
20 crisis. The Vermont Climate Action Plan indicates that cultivating a Just
21 Transition immediately is necessary to address a myriad of climate threats and

1 must center equity by responding to calls to action from frontline communities
2 most impacted by climate change globally. As such, H.273 is a BIPOC-led,
3 community-oriented process that addresses needs by and for BIPOC
4 communities.

5 (8) Pursuant to the Findings in this act, and in the State of Vermont, the
6 General Assembly finds that it is a need and a priority to increase access to
7 land and secure housing for marginalized communities who have borne the
8 brunt of structural racism to begin to repair generational damages and wealth
9 disparity caused by inequitable legal structures in the past and present. The
10 State of Vermont also recognizes the need to prevent such damages and
11 deepening inequity exacerbated by a range of impacts of the climate crisis.

12 Sec. 3. PURPOSE

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

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

17 § 12. VERMONT LAND ACCESS AND OPPORTUNITY FUND

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

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

1 (1) The Vermont Land Access and Opportunity Board, created in
2 section 13 of this title, shall administer the Fund.

3 (2) The Fund shall comprise monies appropriated to it by the General
4 Assembly and other public or private monies the Board accepts.

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

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

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

10 § 13. VERMONT LAND ACCESS AND OPPORTUNITY BOARD

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

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

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

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

18 (3) two members appointed by the Vermont NAACP;

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

20 (5) three members appointed by the Vermont Releaf Collective, at least
21 one of whom is a farmer;

1 (6) two members appointed by the Vermont Every Town project, at least
2 one of whom is a farmer;

3 (7) a member with financial expertise appointed by the Secretary of
4 Commerce and Community Development;

5 (8) a member with real estate expertise appointed by the Commissioner
6 of Housing and Community Development;

7 (9) a farmer appointed by the Secretary of Agriculture, Food and
8 Markets;

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

11 (11) a licensed marriage and family therapist (LMFT) with expertise in anti-
12 racism appointed by the American Association of Marriage and Family
13 Therapy Vermont Chapter;

14 (12) two members appointed by the Pride Center of Vermont who are
15 LGBTQ;

16 (13) one member appointed by Migrant Justice who will represent migrant
17 farmworker populations;

18 (14) one member appointed by the U.S. Committee for Refugees and
19 Immigrants who belongs to refugee or immigrant communities and/or who has
20 expertise in representing these populations;

1 (15) one member appointed by Vermont Developmental Disabilities

2 Council with lived experience;

3 (16) one member appointed by Vermont Psychiatric Survivors with lived
4 experience, and;

5 (17) any other members at large that the Advisory Commission deems
6 necessary to appoint to carry out the functions of this section, including
7 ensuring equitable representation and a balance between impacted
8 communities, based on a majority vote of the members.

9 (c) Member terms; priority; composition.

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

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

14 (3) When selecting members of the Board, appointing authorities shall
15 give priority to, and shall seek to appoint a balanced mix of, Vermonters who
16 have historically suffered from discrimination and who have not had equal
17 access to public or private economic benefits due to race, ethnicity, sex,
18 geography, language preference, immigrant or citizen status, sexual
19 orientation, gender identity, socioeconomic status, or disability status.

1 (d) Officers; committees; advisors. The Board may elect officers, establish
2 one or more committees or subcommittees, and adopt procedural rules as it
3 determines are necessary and appropriate to perform its work.

4 (e) Quorum; meetings; voting.

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

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

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

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

20 (g) Powers and Duties. The Board shall have the authority and duty to
21 promote racial and social equity in property ownership for Vermonters who

1 have historically suffered from discrimination and who have not had equal
2 access to public or private economic benefits due to race, ethnicity, sex,
3 geography, language preference, immigrant or citizen status, sexual
4 orientation, gender identity, socioeconomic status, or disability status, as
5 follows:

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

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

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

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

19 (5) The Board shall:

20 (A) retain wealth, financial, and natural resource advisors who are
21 Vermonters who have historically suffered from discrimination and who have

1 not had equal access to public or private economic benefits due to race,
2 ethnicity, sex, geography, language preference, immigrant or citizen status,
3 sexual orientation, gender identity, socioeconomic status, or disability status;
4 and

5 (B) use the services of those advisors to provide and create education,
6 wealth management, and regenerative natural resources services to grant
7 recipients.

8 (6) The Board shall award grants to anti-racist mutual aid networks that
9 support recipients of grants awarded pursuant to subdivisions (1)–(2) of this
10 subsection.

11 (7) The Board shall award grants to groups proposing to share land, to
12 create commons, and for collective ownership.

13 (8) The Board shall grant funds to the Every Town Project to purchase
14 and hold land in trust in every municipality in Vermont in order to promote
15 land access and stewardship by Vermonters who have historically suffered
16 from discrimination and who have not had equal access to public or private
17 economic benefits due to race, ethnicity, sex, geography, language preference,
18 immigrant or citizen status, sexual orientation, gender identity, socioeconomic
19 status, or disability status.

20 (9) The Board shall work with the Vermont Housing Finance Agency to
21 explore ways to apply grants to mortgage subsidies and explore ways to

1 overcome the barriers to obtaining a mortgage, including debt-to-income
2 ratios, redlining, and the impact of algorithmic systems of decision making.

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

5 (h) Eligibility.

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

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

13 Sec. 6. APPROPRIATIONS

14 In fiscal year 2023, the amount of \$10,000,000.00 is appropriated from the
15 General Fund to the Vermont Land Access and Opportunity Fund created in
16 10 V.S.A. § 12 for grants and other expenditures approved by the Vermont
17 Land Access and Opportunity Board.

18 Sec. 7. EFFECTIVE DATE

19 This act shall take effect on July 1, 2022.

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(Committee vote: _____)

Representative _____

FOR THE COMMITTEE