

1 Introduced by Committee on Agriculture

2 Date:

3 Subject: Court procedure; agriculture; nuisance suits; agricultural activities;  
4 right-to-farm; mediation

5 Statement of purpose of bill as introduced: This bill proposes to provide that a  
6 person shall not bring a court action based on a claim of nuisance arising from  
7 an agricultural activity unless the person and the operator of the agricultural  
8 activity, at least once, attempt to resolve through mediation the issue or dispute  
9 that the person has concerning operation of the agricultural activity.

10 An act relating to protection from nuisance suits for agricultural activities

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

12 Sec. 1. 12 V.S.A. § 5754a is added to read:

13 § 5754a. REQUIRED MEDIATION PRIOR TO SUIT

14 (a) A person shall not bring a court action based on a claim of nuisance  
15 arising from an agricultural activity unless the person and the operator of the  
16 agricultural activity, at least once, attempt to resolve through mediation the  
17 issue or dispute that the person has concerning operation of the agricultural  
18 activity. The mediation shall be conducted according to the provisions of the  
19 Uniform Mediation Act set forth in chapter 194 of this title.

1        (b) The parties to the mediation may agree upon the use of a mediator to  
2        assist in the resolution of the agreed upon issue or dispute, and the parties shall  
3        share the cost of the mediator. If the parties to the mediation are unable to  
4        resolve the relevant issue or dispute through mediation, the parties may agree  
5        to submit the issue or dispute to binding arbitration pursuant to chapter 192 of  
6        this title and shall share the cost of the arbitration.

7        (c) A person bringing a court action based on a claim of nuisance arising  
8        from an agricultural activity shall provide the court with a sworn statement of  
9        an attempt to resolve the issue or dispute through mediation.

10       Sec. 2. REPORT OF RIGHT TO FARM MEDIATION

11       As part of the Large Farm Operation annual compliance report, the Medium  
12       Farm Operation annual compliance report, and the Small Farm annual  
13       certification form, the Secretary of Agriculture, Food and Markets shall request  
14       that farmers provide information on whether they engaged in mediation with  
15       neighboring property owners to address alleged issues of nuisance from the  
16       farm. The Secretary of Agriculture, Food and Markets annually shall report to  
17       the Senate Committees on Agriculture and on Judiciary and the House  
18       Committees on Agriculture, Food Resiliency, and Forestry and on Judiciary  
19       the number of meditations reported by farmers.

20       Sec. 3. EFFECTIVE DATE

21       This act shall take effect on July 1, 2023.