

VERMONT LAND ACCESS AND OPPORTUNITY BOARD

PRESENTATION TO THE SENATE COMMITTEE ON ECONOMIC
DEVELOPMENT, HOUSING AND GENERAL AFFAIRS

MARCH 29, 2023

CONTEXT FOR CREATION OF LAOB

Offices, instrumentalities, and initiatives created to address systemic racism:

- Racial Disparities and the Criminal and Juvenile Justice System Advisory Panel (RDAP)
- The Executive Director of Racial Equity
- The Health Equity Advisory Commission
- Truth and Reconciliation Commission
- Proposition 2 passed in 2022 with 81.6% support from voters to amend the Vermont constitution to prohibit slavery and indentured servitude
- Environmental Justice Advisory Council
- Joint Legislative Resolution to Declare Racism a Public Health Emergency: R.113 of 2021

OVERVIEW OF LAND ACCESS AND OPPORTUNITY BOARD

- LAOB was created by the Vermont General Assembly in Act 182 of 2022 (Omnibus Housing Bill)
- Underlying bill, H.273, introduced to promote racial and social equity in land access and property ownership
- Eleven Appointing Authorities represented on the Board, with administrative support from VHCB
- Initial appropriation of \$200,000.00 administered on behalf of LAOB by VHCB

LAOB APPOINTING AUTHORITIES

- Vermont Office of Racial Equity
- Vermont Commission on Native American Affairs
- Vermont branches of the NAACP
- Vermont Racial Justice Alliance
- Vermont RELEAF Collective
- Vermont Every Town Project
- National Association of Social Workers, Vermont
- Pride Center of Vermont
- U.S. Committee for Refugees & Immigrants, Vermont
- Vermont Developmental Disabilities Council
- Vermont Psychiatric Survivors

LAOB PRIORITY OBJECTIVES

The Vermont Land Access & Opportunity Board was created to:

- Address historical barriers that continue to exist within systems of legal oppression and exclusion, economic domination of people and exploitation of land
- Promote opportunities to access land, home security and welcoming communities for Vermonters from historically marginalized and disadvantaged communities, and all those living at the intersections of marginalization
- Seek out, create, fund, and build alternative models for land access, finding home, and mobilizing a network of safe, welcoming communities
- Create the economic and social conditions to make Vermont a haven where individuals, families, and collectives of historically marginalized and disadvantaged communities can live, grow and thrive

INITIAL REPORT TO THE LEGISLATURE, 2/15/2023

- Mandated in Act 182 of 2022, Section 22c
- Initial report with recommendations to advance the goals of Act 182 (filed on Feb. 15, 2023)
- Address legal, constitutional, and governance questions
- Initial Report provides recommendations to fund, organize, and structure the Board as a permanent instrumentality of Vermont

OVERVIEW OF LEGAL CONTEXT FOR LAOB RECOMMENDATIONS

- Recent and impending Supreme Court decisions have weaponized the Fourteenth Amendment to the Constitution against the very persons the amendment was intended to help
- Fourteenth Amendment mandates that all governmental entities govern impartially: government may not draw distinctions between individuals solely on differences unless such distinctions are necessary to achieve a legitimate governmental objective
- That governmental objective, at the time the Fourteenth Amendment was ratified, was to help repair the damage to Black people wrought by slavery
- Purpose of amendment was evident in contemporaneous land distribution programs of the federal Freedmen's Bureau, among other examples of race-conscious social welfare programs enacted by the same post Civil War Congress that enacted the Fourteenth Amendment

LEGAL ANALYSIS OF LAOB RECOMMENDATIONS

- Proposed programs and initiatives are not legally or constitutionally controversial; investments and programs pose *de minimis* legal risk to the State of Vermont
- LAOB has broad authority, granted in its enabling statute, to promote improvements in access to woodlands, farmland, and land and home ownership for Vermonters from historical marginalized or disadvantaged communities
- This authority is consistent with promoting the general welfare of the entirety of the State's people
- Addressing systemic racism in underlying housing and farmland access programs, lending and finance programs, and addressing existing participation disparities within those programs, is a legitimate governmental purpose
- Grant programs aimed at improving land and housing access, safety, and health have been successful in other jurisdictions when designed to remediate past treatment resulting in disparate outcomes

LAOB BUDGET RECOMMENDATION

Governance, Staffing and Administration	\$330,000.00
Equity Assessment of State Programs and Policies	\$160,000.00
Technical Assistance and Organizational Support Grants	\$320,000.00
Establish Reparative Grant Programs	\$300,000.00
Board Compensation and Access to SOV Facilities	\$90,000.00
TOTAL FOR SFY'24	\$1,200,000.00
TOTALASK FOR BASE BUDGET OVER FOUR YEARS	\$4,800,000.00

LAOB REPORT AND BUDGET HIGHLIGHTS

- Provides for two full-time staff persons who would be fully dedicated to supporting the Board's work in SFY'24
- Ongoing legal and consultant support to design and implement programs for equity assessment, land and housing access supports, and pilot grant programs
- Operating budget includes funding to ensure outreach and education to Vermont stakeholders will be conducted equitably with opportunities for compensation to participating community members
- Proposed new compensation structure for LAOB members who are not participating in this work as part of other public positions they hold

VHCB SUPPORT FOR LAOB

- Ongoing collaboration with VHCB to be governed by MOU until LAOB ready to operate independently
- VHCB will continue to act as “home” for LAOB, administer funding, employ dedicated staff and enter into contracts on behalf of the LAOB
- Compliance with records retention and Open Meeting laws
- Attend meetings and support parallel programing goals and initiatives
- Use convening power to facilitate connections between LAOB and other agencies and instrumentalities of State government