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Kristin L. Clouser, Secretary

TO: Senate Committee on Natural Resources and Energy
FROM: Office of Racial Equity
DATE: March 15, 2023
RE: Letter of testimony on S.100, An act relating to housing opportunities for everyone

Dear Chair Bray,

Thank you for the opportunity for the Office of Racial Equity to testify on S.100, An act relating to housing opportunities for everyone. The Committee must consider the urgent need for increased affordable housing options to support not only the current population of Vermont, but also future populations. Vermont is likely to be a place of refuge for internally displaced persons and others fleeing the effects of climate change, including rising sea levels, droughts, and flooding. If the past few years' demographic trends are an indicator, population growth in Vermont is likely to increase the racial, ethnic, and cultural diversity of our state. Increased diversity is likely to have a positive impact on Vermont's economy (Reed Jr., 2021).

The Office of Racial Equity supports the addition of 24 V.S.A. §4412(1)(H) (Draft 1.1 page 4, lines 7-11), which prohibits local zoning bylaws from penalizing hotels for providing housing assistance to people experiencing homelessness. 24 V.S.A. §4412(1)(H) and other provisions relating to the regulation of emergency shelters reduce the chances that stigma against people experiencing homelessness might affect State programs designed to provide temporary housing in hotels. The other provisions in support of emergency shelter operation in Draft 1.1 of S.100 include 24 V.S.A. §4413 (a)(1)(G), located on page 7, line 14, and 24 V.S.A. §4413 (a)(3), located on page 8, lines 1-3.

The Executive Director has previously called for increased oversight of local zoning bylaws by State regulators to ensure they do not have racially inequitable outcomes (Davis, 2020). Therefore, the Office of Racial Equity supports the proposed amendment to 24 V.S.A. §4441 (page 9 of Draft 1.1), which requires the Department of Housing and Community Development to oversee amendments to bylaws by local planning commissions to ensure they meet minimum requirements in statute.

The Office further supports provisions in Sections 27-39 of S.100 As Introduced, which include several General Fund allocations aimed to increase the availability of affordable housing units. The Office especially wishes to express support for Sec. 27, the allocation of \$150,000 in FY'24 to the Vermont Human Rights Commission to fund a housing discrimination litigator position.

Certain sections of S.100 directly modify topics governed by the Act 250 permitting process. Section 41 of Act 182 of 2022 directs the Natural Resources Board to report to the relevant legislative committees on necessary updates to the Act 250 program. The report “shall consider whether to develop thresholds and tiers of jurisdiction as recommended in the commission on Act 250: The Next 50 Years Report” (No. 182, 2022). The Natural Resources Board’s report is due on December 31, 2023. The Office of Racial Equity strongly recommends the legislature defer making major adjustments to the Act 250 process until the report of the Natural Resources Board under Act 182 of 2022 is available.

References:

Davis, Xusana. (2020, February 4). Xusana Davis, Racial Equity, Agency of Administration, Act 250, NHRF&W, Feb. 4, 2020. YouTube.com.

<https://www.youtube.com/watch?v=OiwMYXRfZS8>

No. 182. An act relating to expanding access to safe and affordable housing.

Legislature.Vermont.gov (2022).

<https://legislature.vermont.gov/Documents/2022/Docs/ACTS/ACT182/ACT182%20As%20Enacted.pdf>

Reed Jr., C. (2021, September 5). An honest education is a key to Vermont’s economic future. *VT Digger*. <https://vtdigger.org/2021/09/05/curtiss-reed-jr-an-honest-education-is-a-key-to-vermonts-economic-future/>