



Municipal Exemption for Farming/ Right to Grow Food Testimony on H.941

May 6, 2026

Dear House Committee on Agriculture, Food Resiliency and Forestry,

Thank you for inviting me to testify on behalf of our coalition of agriculture and food system stakeholders, including Rural Vermont, NOFA-VT, the VT Farm Bureau, Vermont Sustainable Jobs Fund/Farm to Plate, Vermont Association of Conservation Districts, Agri-Mark & Cabot, the Land Access and Opportunity Board, the Connecticut River Farmer Watershed Alliance, and the American Farmland Trust on municipal exemptions for farming.

As the legislative session is ending, we will keep this brief and focused on four amendment proposals and five total recommendations for H.941 as it moves through the Senate. Our recommendations aim to clearly establish that municipalities should not use zoning authority to limit anyone's ability to grow their own food in Vermont. Our top three recommendations support this goal.

We also recommend not using H.941 to expand local control over cannabis cultivation, which is already regulated under state law. Finally, we ask you to support \$1.6M in one-time funding for the Land Access and Opportunity Board (LAOB), in addition to its base funding, through the miscellaneous cannabis bill S.278. We appreciate the Senate's decision to reject a proposed amendment by Senator Vyhovski that our coalition opposed.

Thank you for considering our recommendations:

- 1. Ensure that the legislative intent is that no local bylaw shall have the effect of prohibiting the raising of livestock**

Vermont's identity includes a strong working landscape and homesteading culture. These are increasingly important as we face supply chain risks. The current global energy crisis, linked to conflict involving the U.S., Israel, and Iran, is disrupting fertilizer supplies (affecting about 75%) and

raising farming costs. This is expected to increase food prices for staples like beef, dairy, and produce.¹

Vermont imports about 86% of its food.² Your committee's work focuses on strengthening agriculture, food resilience, climate adaptation, and protecting working lands.

The House version of H.941 would have allowed municipalities to regulate livestock farming on parcels under 0.75 acres. During revisions, language stating that bylaws cannot prohibit farming was removed.

The Senate version now allows local control over livestock farms up to 4 acres but does not prevent towns from banning certain livestock types. It also does not clearly define when state agricultural rules apply to protect these farms from local zoning.

Without clarification, small farms and homesteaders may lose protection and be pushed out of village centers.

**We support the Agency of Agriculture's framework but strongly recommend adding:
"No bylaw shall have the effect of prohibiting raising livestock"
to 24 V.S.A. § 4413(d)(1).**

Without this clause, small-scale agriculture and local food production will be weakened, undermining the resilience goals of H.941.

2. Reinsert a study committee on local regulations of small livestock farms and homesteaders

Small-scale livestock farming in dense areas has been a key challenge in this process. Act 181, intended to protect open land by concentrating development, has functioned primarily as a development tool and lacks strong farmland protections or agricultural expertise.

Testimony from the American Farmland Trust showed Vermont is losing farmland faster than expected, mainly due to rural residential sprawl. Recent legislation, including Act 181, has not effectively addressed this issue.

There is concern that towns may interpret Act 181 as justification to move agriculture out of village centers, where farmland is often targeted for housing.

It is critical that H.941 clearly protects the right to grow food and ensures homesteading is not undermined by development pressures.

¹ <https://fortune.com/2026/04/09/global-food-emergency-how-bad-strait-hormuz-grocery-prices-shortages/>

² <https://fyivt.com/be-informed/vermonts-hidden-dependence-importing-its-food-and-its-future/>

We urge you to clearly state legislative intent that no local rules should prevent people from reasonably using their land to grow food for themselves and their communities.

Because H.941 attempts to balance local regulation with food production rights, a study committee is needed to:

- **Continue developing a statewide standard**
- **Ensure regulations do not limit food production**
- **Explore how zoning can better protect farmland and support local self-reliance**
- **Help guide how agricultural rules apply to small farms**

3. Add protection for raising rabbits and ensure clear, non-ambiguous limits

H.941 would, for the first time, establish a legal right to grow food, including plants and poultry, protecting small-scale homesteading from zoning restrictions.

We recommend adding rabbits to these protections. Rabbits can be raised on small parcels, are widely accepted, and do not typically cause conflicts. Many families rely on them for food or as a step toward farming.

There is no clear reason to exclude rabbits from the same protections as poultry.

We also recommend ensuring that any limits on animal numbers are clear and based on available land, not arbitrary caps. Towns should not impose vague restrictions (such as fixed limits on hens) without linking them to land capacity.

The Senate has already rejected such vague limits. Similar restrictions are currently being challenged in court in Maine, where a six-chicken limit is argued to violate the state's "Right to Food."³

Clear, well-defined rules will strengthen Vermont's policy and reduce legal risks. Please consider our draft legislative language for this purpose.

4. Strike the cannabis provision

Cannabis cultivation is already regulated by state law, including limits on plant numbers for personal use.

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<https://mainemorningstar.com/2025/09/10/in-dispute-over-right-to-food-calais-couple-sues-town-over-backyard-chicken-ordinance/#:~:text=By:%20AnnMarie%20Hilton%20%2D%20September%2010,than%20six%20chickens%20per%20household>.

H.941 currently includes language allowing municipalities to prohibit legal cannabis cultivation.

We recommend removing this provision so the bill aligns with existing state law and the House version.

5. Support \$1.6M funding for the LAOB

The Land Access and Opportunity Board needs sufficient funding to take on new responsibilities created by legislation this year.

We kindly request your support for adding \$1.6M in one-time funding to S.278, for a total of approximately \$2.7M. This would support:

- Required engagement processes related to municipal exemptions and Act 181
- Ongoing land access and reform efforts
- Expanded community-based work

Draft legislation:

Legend:

Highlight light green - language included in S.323 and H.941

Highlight light blue - language adopted from S.323 as passed by the Senate

Highlight light purple - language adopted from H.941 as passed by the House

Highlight light red - language adopted from H.941 by the Senate

Highlight light yellow - amendment proposals Ag Stakeholder Coalition

* * * Municipal Agriculture Regulation * * *

Sec. 1. FINDINGS AND INTENT; MUNICIPAL REGULATION OF AGRICULTURE

(4) In addition, the General Assembly finds that municipalities shall not regulate by bylaw the growing of plants, and the raising of rabbits, and a small backyard poultry flock, excluding roosters whether it's non-commercial or with commercial intentions, as the state is incentivizing anyone to grow more food and to contribute to the State's local self-reliance and food security.

(5) In addition, the General Assembly finds that municipalities may not prohibit the raising of rabbits; and a small backyard poultry flock. However, local regulations may prohibit keeping roosters. Towns may not limit the number of animals in an ambiguous way, without defining animal numbers permissible to be raised based on the relation to the land available to manage their waste and nutrients appropriately.

Sec. 2. 24 V.S.A. § 4413(d) is amended to read:

(d)(1) A bylaw under this chapter shall not regulate:

(B) The cultivation or other use of land for growing plants, including for food, fiber, Christmas trees, maple sap, or horticultural, viticultural, and orchard crops. Cannabis is separately regulated and is excluded from this exception.

Sec. 3 24 V.S.A. § 4412 is amended to read: § 4412. REQUIRED PROVISIONS AND PROHIBITED EFFECTS

Notwithstanding any existing bylaw, the following land development provisions shall apply in every municipality:

(15) No bylaw shall have the effect of prohibiting the raising, feeding, or management of a small backyard rabbits and poultry flock, excluding roosters, for personal use, donation, or sale. Municipalities may limit the number of poultry and rabbits anyone is raising only on the basis of a bylaw that requires the adequate land base to properly manage the nutrients and waste of the number of animals raised on the parcel. A municipality may adopt a bylaw concerning raising poultry and rabbits that is less restrictive than the requirement of this subdivision or choose to not regulate rabbits or poultry. "Poultry" has the same meaning as in 6 V.S.A. § 1459(4). "Rabbits" means any domesticated herbivorous mammal in the family Leporidae, kept as pets or raised for food or fur.

Sec. 54. MUNICIPAL REGULATION OF FARMING STUDY; REPORT

(a) The Land Access and Opportunity Board ~~Secretary of Agriculture, Food and Markets~~ shall convene a stakeholder group to examine options to address conflicts between landowners that involve agricultural livestock activities in densely populated villages, towns, or cities in Vermont and how to address municipal regulation of agriculture to better protect farmland and support homesteaders and farmers and their role for food security. At a minimum, the stakeholder group shall include membership-based agricultural organizations, the Vermont League of Cities and Towns, Vermont Farm to Plate, and individuals with expertise in local or regional planning, as well as zoning administration.

(b) The stakeholder group shall consider options to address conflicts, including ~~establishing or expanding the Required Agricultural Practices Rule to regulate livestock, particularly addressing stocking densities on parcels of less than 10 acres;~~ whether municipal regulations have significantly restricted or functionally prohibited or could significantly restrict or functionally prohibit the raising, feeding, or managing of livestock, including providing a model ordinance that would permit the necessary functions in raising, feeding, or managing livestock ~~utilizing ordinances to address livestock; protecting the right to grow food for personal consumption; including livestock; and creating rules like the Cannabis Control Board rule to enforce against an operation based on health, safety, or the integrity of the broader industry.~~ The Study committee shall be providing input on how the secretary of agriculture makes the determination if and when the RAP rule applies on operations with livestock on smaller than 4 acres and propose guidelines for the Secretary.

(c) Upon convening the study committee shall establish a budget and agenda for its work. On or

before January 31, 2027, the Land Access and Opportunity Board shall submit a report to the House Committees on Agriculture, Food Resiliency, and Forestry and on Environment and the Senate Committees on Agriculture and on Natural Resources and Energy that summarizes findings, considerations, and any recommendations of the stakeholder group and offers a recommendation from the Secretary on solutions, including recommended statutory changes or rulemaking, that would best support municipalities in their efforts to increase local-self reliance in food production and to mitigate when significant landowner conflicts arise regarding livestock.