

**HOUSE . . . . . No. 855**

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**The Commonwealth of Massachusetts**

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PRESENTED BY:

*Adrian C. Madaro*

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*To the Honorable Senate and House of Representatives of the Commonwealth of Massachusetts in General Court assembled:*

The undersigned legislators and/or citizens respectfully petition for the adoption of the accompanying bill:

An Act relative to food justice with jobs.

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PETITION OF:

NAME:	DISTRICT/ADDRESS:	DATE ADDED:
<i>Adrian C. Madaro</i>	<i>1st Suffolk</i>	<i>1/20/2023</i>
<i>Vanna Howard</i>	<i>17th Middlesex</i>	<i>1/31/2023</i>

**HOUSE . . . . . No. 855**

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By Representative Madaro of Boston, a petition (accompanied by bill, House, No. 855) of Adrian C. Madaro and Vanna Howard for legislation to create local and community garden agriculture programs within the Department of Agricultural Resources. Environment and Natural Resources.

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[SIMILAR MATTER FILED IN PREVIOUS SESSION  
SEE HOUSE, NO. 967 OF 2021-2022.]

**The Commonwealth of Massachusetts**

—————  
**In the One Hundred and Ninety-Third General Court  
(2023-2024)**  
—————

An Act relative to food justice with jobs.

*Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:*

1           SECTION 1. The General Laws, as so appearing, are hereby amended by inserting after  
2 chapter 128C the following new chapter:-

3           Chapter 128D: Local Garden Agriculture Program

4           Section 1: As used in this section, the following words shall have the following  
5 meanings, unless the context clearly requires otherwise:

6           “Chemical fertilizer”, any chemical compound of synthetic origin applied to soil or to a  
7 plant to supply the plant with nutrients.

8           “Chemical herbicide”, any chemical compound of synthetic origin applied to plants,  
9 crops, or soil which is designed, used, or intended to kill or inhibit the growth of unwanted plants  
10 or fungi.

11           “Chemical pesticide”, any chemical compound of synthetic origin applied to plants,  
12 crops, or soil which is designed, used, or intended to kill pests that can damage crops or interfere  
13 with agricultural production, including insects, birds, rodents, or any other type of animal.

14           “Commissioner”, the commissioner of the Massachusetts Department of Agricultural  
15 Resources

16           “Division”, the Agriculture Jobs Division

17           “Garden Agriculture Program”, the cumulative entirety of any and all rules, regulations,  
18 contracts, plans, projects, expenditures, and activities completed by the division in order to  
19 award Garden Agriculture Grants to recipients, including, but not limited to, designing the  
20 Garden Agriculture Grant Application, reviewing Garden Agriculture Grant Applications which  
21 have been submitted by Garden Agriculture Grant Applicants, awarding Garden Agriculture  
22 Grants, hiring Technical Assistance Experts, and monitoring and enforcing compliance with the  
23 provisions of this chapter.

24           “Garden Agriculture Program”, a program to: (i) enable Massachusetts residents to  
25 establish small-scale food gardens; (ii) localize food production to reduce the carbon emissions  
26 created by buying food produced out of state; and (iii) increase Massachusetts residents’ access  
27 to locally-grown food with high nutritional value.

28 “Garden Agriculture Grant”, a delivery, from the Agriculture Jobs Division to a Garden  
29 Agriculture Grant Recipient, of items, tools, resources, seeds, instructional guides, and other  
30 goods specified in Section 5 of this chapter.

31 “Garden Agriculture Grant Application”, an application to receive a Garden Agriculture  
32 Grant.

33 “Garden Agriculture Grant Applicant”, an individual who submits a Garden Agriculture  
34 Grant Application.

35 “Garden Agriculture Grant Recipient”, an individual who receives a Garden Agriculture  
36 Grant.

37 Section 2. The division shall create the Garden Agriculture Program.

38 Section 3. (a) The division shall create an application called the Garden Agriculture Grant  
39 Application with which individuals can apply for a Garden Agriculture Grant. The division and  
40 its agents and employees shall refer to the Garden Agriculture Grant Application as such.

41 (b) The Garden Agriculture Grant Application shall require applicants to: (i) provide their  
42 name; (ii) provide their address; (iii) provide their cumulative family adjusted gross income; (iv)  
43 identify which of the following gardening items they would like to receive as part as part of the  
44 grant from a list of but not limited to, a trowel; a spade; a pair of pruners; soil; mulch; and  
45 organic fertilizer; (v) identify which types of seeds they would like to receive as part of the grant,  
46 choosing from a list of available seed types which shall be listed on the Garden Agriculture  
47 Grant Application; (vi) indicate whether they would like to receive one raised garden bed or two  
48 raised garden beds as part of the grant; (vii) identify the dimensions that they would like the

49 raised garden bed or beds to have, choosing from a list of available dimensions which shall be  
50 listed on the Garden Agriculture Grant Application; (viii) indicate whether they would like to  
51 receive any other tools, equipment, resources, or items listed on the Garden Agriculture Grant  
52 Application, which the commissioner has deemed appropriate to list on the Garden Agriculture  
53 Grant Application, provided that it is reasonable to believe that including those tools, equipment,  
54 resources, or items on the Garden Agriculture Grant Application would improve the Garden  
55 Agriculture Program; and (ix) provide any other information the commissioner deems  
56 appropriate for determining whether to award the applicant a Garden Agriculture Grant.

57 (c) The Garden Agriculture Grant Application shall include: (i) a brief description of the  
58 purposes of the Garden Agriculture Grants; (ii) a description of the restrictions, legal duties, and  
59 obligations that accompany the receipt of a Garden Agriculture Grant, including, but not limited  
60 to, the requirements provided in Section 7 of this chapter; (iii) a space for the applicant to sign  
61 and date the application; and (iv) a clearly worded statement advising potential applicants that by  
62 signing, dating, and submitting a Garden Agriculture Grant Application, they are agreeing to  
63 abide by and comply with the restrictions, legal duties, and legal obligations that accompany  
64 receipt of a Garden Agriculture Grant.

65 (d) The Garden Agriculture Grant Application shall be easily accessible on the website of  
66 the division. Applicants shall be given the option of submitting their Garden Agriculture Grant  
67 Application electronically on the website of the division. Visitors to the website of the division  
68 shall be able to download and print as many copies of the Garden Agriculture Grant Application  
69 as they wish. The division shall also allow applicants to easily and conveniently submit non-  
70 electronic, paper versions of the Garden Agriculture Grant Application.

71 (e) The Garden Agriculture Grant Application shall be available in English and in any  
72 other language spoken by at least 10 percent of the Massachusetts population.

73 (f) The division shall only approve a Garden Agriculture Grant Application if it intends to  
74 provide the Garden Agriculture Grant Applicant with a Garden Agriculture Grant.

75 Section 4. The division shall, at all times, prioritize Garden Agriculture Grant  
76 Applications submitted by Garden Agriculture Grant Applicants with lower annual, cumulative  
77 household adjusted gross income over Garden Agriculture Grant Applicants with higher annual,  
78 cumulative household adjusted gross income.

79 Section 5. (a) A Garden Agriculture Grant shall consist of: (i) all of the items requested  
80 by the applicant pursuant to Section 3(b)(iv) of this chapter; (ii) all of the seeds requested by the  
81 applicant pursuant Section 3(b)(v) of this chapter, in a quantity equal to no less than 200 seeds  
82 divided by the number of types of seeds the applicant requested; (iii) any raised garden bed or  
83 raised garden beds requested by the applicant, pursuant to Section 3(b)(vi) and Section 3(b)(vii)  
84 of this chapter, provided that no applicant shall receive more than two raised garden beds; (iv)  
85 any additional items requested by the applicant, pursuant to Section 3(b)(viii) of this chapter; (v)  
86 organic fertilizer; (vi) mulch and soil; (vii) assistance assembling and setting up any raised  
87 garden bed which was included in the Garden Agriculture Grant; (viii) assistance setting up any  
88 pest control cage included in the Garden Agriculture Grant; (ix) an accessible instructional guide  
89 for how to plant, grow, and harvest the types of plants associated with the seeds the applicant  
90 requested, pursuant to Section 3(b)(v) of this chapter, in English and in any other language  
91 spoken by at least 10 percent of the Massachusetts population; and (x) any other item or items  
92 which the commissioner determines should be included in all Garden Agriculture Grants.

93 (b) Any raised garden bed delivered to any applicant as part of a Garden Agriculture  
94 Grant shall have a built-in pest-control cage or shall arrive with a separately installable pest-  
95 control cage.

96 Section 6. (a) No later than 2 weeks after approving a Garden Agriculture Application,  
97 the division shall notify the applicant that their application was approved, either by mail,  
98 electronic mail, or by telephone.

99 (b) After approving a Garden Agriculture Application, the division shall deliver the  
100 Garden Agriculture Grant to the applicant, to arrive no later than 2 months after the application  
101 was approved.

102 Section 7. (a) Every Garden Agriculture Grant Recipient is prohibited from using  
103 chemical pesticides.

104 (b) Every Garden Agriculture Grant Recipient is prohibited from using chemical  
105 herbicides.

106 (c) Every Garden Agriculture Grant Recipient is prohibited from using chemical  
107 fertilizer.

108 (d) Every Garden Agriculture Grant Recipient is prohibited from selling, trading, or  
109 otherwise alienating any of the items, seeds, tools, equipment, or raised garden bed that they  
110 received as part of their Garden Agriculture Grant.

111 Section 8. (a) The division shall hire at least one Technical Assistance Expert as full time  
112 employee to receive and resolve questions from Garden Agriculture Grant Recipients, related to  
113 optimal, effective, or proper agricultural practices.

114 (b) Technical Assistance Experts must speak both English and any other language spoken  
115 by at least 10 percent of the Massachusetts population.

116 (c) Technical Assistance Experts must have experience practicing agricultural gardening  
117 without the use of chemical fertilizers, chemical pesticides, or chemical herbicides.

118 (d) Technical Assistance Experts must be qualified to answer questions that Garden  
119 Agriculture Grant Recipients could reasonably be expected to have as they set up their gardens,  
120 plant seeds, and grow and harvest plants.

121 (e) Technical Assistance Experts must receive an annual salary that is not less than 140  
122 percent of the statewide per capita income, as calculated by the United States Census Bureau.

123 (f) Technical Assistance Experts must receive health insurance, dental insurance, at least  
124 two weeks of paid vacation time, and at least one paid sick day off of work for every 20 days in  
125 which they work more than 6 hours.

126 SECTION 2: The General Laws are hereby amended by inserting after chapter 128D the  
127 following chapter:-

128 Chapter 128E: Community Agriculture Gardens Program

129 Section 1. As used in this section, the following words shall have the following  
130 meanings, unless the context clearly requires otherwise:

131 “Commissioner”, the commissioner of the Massachusetts Department of Agricultural  
132 Resources.



133 “Community Agriculture Program”, the cumulative entirety of any and all rules,  
134 regulations, contracts, plans, projects, expenditures, and activities completed by the bureau to  
135 award Community Agriculture Grants to individuals including, but not limited to: (i) creating a  
136 Community Agriculture Grant Application; (ii) reviewing Community Agriculture Grant  
137 Applications; (iii) assisting Community Agriculture Cooperatives with establishing a bank  
138 account; assisting Community Agriculture Cooperatives with incorporation; (iv) depositing  
139 funds into a Community Agriculture Cooperative bank account; assisting Community  
140 Agriculture Cooperatives with holding free and fair elections to select individuals to serve on  
141 their first Board of Directors; (v) developing Community Agriculture Standards; and monitoring  
142 and enforcing the provisions of this chapter.

143 “Community Agriculture Standards”, a comprehensive list of agricultural practices for  
144 Members of Community Agriculture Cooperatives

145 “Community Agriculture Grant”, a one-time financial grant, disbursed by the division,  
146 directly to the bank account of a Community Agriculture Cooperative

147 “Community Agriculture Grant Application”, an application to receive a Community  
148 Agriculture Grant.

149 “Community Agriculture Cooperative”, a nonprofit corporation, incorporated in  
150 commonwealth, established to acquire land, real property, and other property in fee simple, and  
151 to use that land, real property, and other property for the purpose of agricultural production for  
152 the benefit of the corporation’s members.

153 “Division”, the Agriculture Jobs Division

154 “Nonprofit corporation”, a nonprofit corporation as defined in formed for a purpose  
155 specified in Section 4 of Chapter 180

156 “Members”, the members of a Community Agriculture Cooperative, possessing all the  
157 duties and privileges attached to membership in a nonprofit corporations under the general laws

158 “Board of Directors”, the Board of Directors of any Community Agriculture Cooperative

159 “Director”, any individual acting as a Director on the Board of Directors of a Community  
160 Agriculture Cooperative

161 “Community Garden”, a site of agricultural production owned and managed by a  
162 Community Agriculture Cooperative on behalf of its members. A Community Garden may  
163 include real estate, farming equipment, greenhouses, buildings for indoor agriculture, and any  
164 other items, structures, land, or property that are appropriate to facilitate agricultural production.

165 “Community food”, food produced in a Community Garden

166 “Geographic membership area”, a geographically contiguous area that includes at least  
167 400 permanent residents

168 “Permanent resident of a geographic membership area”, any individual whose primary  
169 domicile is in a geographic membership area. Any individual who regularly sleeps no less than  
170 100 nights per year within the geographic membership area are considered a permanent resident  
171 of that geographic membership area, regardless of whether they have a legal address within the  
172 geographic membership area.

173 “Linked”, the formal legal relationship that is established between a Community  
174 Agriculture Grant Application and a Community Agriculture Cooperative under the following

175 circumstances: when a Community Agriculture Grant Application is approved, and a Community  
176 Agriculture Cooperative is created to receive the funds from the Community Agriculture Grant,  
177 then that Community Agriculture Grant Application and that Community Agriculture  
178 Cooperative are “Linked.”

179 “Treasurer”, the Treasurer of a Community Agriculture Cooperative, chosen by that  
180 corporation’s Board of Directors

181 “Census tract”, a geographic region identified as and referred to as such by the United  
182 States Census Bureau

183 “Secret ballot”, a ballot in which the votes cast are secret and every voter’s choice is  
184 anonymous.

185 “Technical Assistance Experts”, individuals with direct experience with agricultural  
186 production that does not rely on chemical fertilizers, chemical pesticides, or chemical herbicides,  
187 and may have direct experience with indoor agricultural production.

188 “Chemical fertilizer”, any chemical compound of synthetic origin applied to soil or to a  
189 plant to supply the plant with nutrients.

190 “Chemical herbicide”, any chemical compound of synthetic origin applied to plants,  
191 crops, or soil which is designed, used, or intended to kill or inhibit the growth of unwanted plants  
192 or fungi.

193 “Chemical pesticide”, any chemical compound of synthetic origin applied to plants,  
194 crops, or soil which is designed, used, or intended to kill pests that can damage crops or interfere  
195 with agricultural production, including insects, birds, rodents, or any other type of animal.

196 “Feasible and appropriate”, includes (i) physically and biologically possible, as  
197 determined by the commissioner; (ii) economically viable, as determined by the commissioner;  
198 and (iii) ecologically advantageous, as determined by the commissioner, including, but not  
199 limited to, improving soil health, sequestering carbon, increasing biodiversity, protecting natural  
200 habitats, protecting the health of pollinators, and any other aspect of ecological sustainability  
201 deemed important by the commissioner.

202 “Minor violation”, any violation of any provision of this chapter that is not considered a  
203 major violation.

204 “Major violation”, any of the following violations: (i) any activity or pattern of behavior  
205 engaged in by any director or group of directors that leads the commissioner to conclude, beyond  
206 a reasonable doubt, that the Board of Directors of a Community Agriculture Cooperative is  
207 attempting to transfer money received from a Community Agriculture Grant to a member or  
208 members of that Community Agriculture Cooperative for personal use that is not primarily  
209 intended to benefit the members of that Community Agriculture Cooperative, as a whole; (ii) any  
210 activity or pattern of behavior engaged in by any director or group of directors that leads the  
211 commissioner to conclude, beyond a reasonable doubt, that the Board of Directors of a  
212 Community Agriculture Cooperative is not intending or attempting to grow community food;  
213 (iii) any activity or pattern of behavior engaged in by any director or group of directors that leads  
214 the commissioner to conclude, beyond a reasonable doubt, that a director or group of directors  
215 are attempting to deliberately exclude some members of the Community Agriculture Cooperative  
216 from receiving any of the benefits of membership in the Community Agriculture Cooperative,  
217 including, but not limited to, the right to participate in elections to select individuals to serve on  
218 the Board of Directors; and (iv) any activity or pattern of behavior engaged in by any director or

219 group of directors that leads the commissioner to conclude, beyond a reasonable doubt, that the  
220 Board of Directors is encouraging or permitting community food to be grown in violation of the  
221 community agriculture standards.

222 Section 2. The division shall create the Community Agriculture Program. The purposes  
223 of said program shall be to: (i) enable Massachusetts residents to establish community gardens;  
224 and (ii) increase Massachusetts residents' access to locally-grown food with high nutritional  
225 value.

226 Section 3. All permanent residents of a geographic membership area specified in the  
227 Community Agriculture Grant Application, pursuant to Section 8(c)(iii) of this chapter, shall be  
228 members of the Community Agriculture Cooperative to which that Community Agriculture  
229 Grant Application is linked.

230 Section 4. (a) A Community Agriculture Cooperative may receive funds from a  
231 Community Agriculture Grant; private donations from any source; private grants from any  
232 source; and are subject to state and municipal appropriation or subdivision thereof.

233 (b) A Community Agriculture Cooperative may spend money in the following ways: (i)  
234 to purchase land or real property in fee simple, and any appurtenances to that land, with which to  
235 establish a Community Garden to produce community food; (ii) to compensate a real estate  
236 agent, real estate broker, or any other individual to locate land, real property, appurtenances,  
237 buildings, or other structures that may be appropriate for the Community Agriculture  
238 Cooperative to purchase; (iii) to compensate a real estate agent, real estate broker, lawyer, legal  
239 expert, or any other individual to assist the Community Agriculture Cooperative in purchasing  
240 land, real property, appurtenances, buildings, or other structures in fee simple; (iv) to purchase,

241 construct, or install buildings, greenhouses, raised garden beds, or any other structures that will  
242 be used to facilitate the production of community food on a Community Garden; (v) to purchase  
243 items, tools, or equipment that will be used to facilitate the production of community food on a  
244 Community Garden, including, but not limited to, gardening tools, seeds, non-chemical fertilizer,  
245 soil, mulch, irrigation systems, components of irrigation systems, and soil nutrients; (vi) to  
246 purchase technical gardening assistance, guidance, or consulting services, provided such services  
247 are used on behalf of the Community Agriculture Cooperative; (vii) to purchase legal assistance,  
248 guidance, or consulting services, provided such services are used on behalf of the Community  
249 Agriculture Cooperative; (viii) to purchase financial accounting, financial bookkeeping, or  
250 financial consulting services, provided such services are used on behalf of the Community  
251 Agriculture Cooperative; (ix) to compensate members of the Community Agriculture  
252 Cooperative to grow community food, maintain and improve the Community Garden, or train  
253 others to grow community food or maintain and improve the Community Garden, provided that  
254 no member is compensated with an hourly income of less than the quotient of 1/1,920 multiplied  
255 by 140 percent of the statewide per capita income, as calculated by the United States Census  
256 Bureau, or is compensated with an hourly income of more than the quotient of 1/1,920 multiplied  
257 by 180 percent of the statewide per capita income, as calculated by the United States Census  
258 Bureau; and (x) to purchase any additional items, goods, products, property, or services that the  
259 commissioner deems appropriate.

260 (c) In order to sell or otherwise alienate any piece of land or real property, a Community  
261 Agriculture Cooperative must obtain the approval of the commissioner. The division shall  
262 develop an efficient and convenient system through which a Community Agriculture

263 Cooperative may submit an application to sell or otherwise alienate any piece of land or real  
264 property.

265 (d) A Community Agriculture Cooperative may not disburse funds to its members except  
266 as compensation for: (i) labor performed to produce community food; (ii) labor performed to  
267 distribute community food; (iii) labor performed to maintain, clean, or improve land, items,  
268 buildings, structures, or real property belonging to the Community Agriculture Cooperative; (iv)  
269 labor performed to research information for the benefit of the Community Agriculture  
270 Cooperative or its members; (v) administrative business of the Community Agriculture  
271 Cooperative, including, but not limited to, attending meetings and bookkeeping; or (vi) in  
272 furtherance of any other purpose deemed appropriate by the commissioner.

273 Section 5. (a) As soon as is feasible, and no later than 90 days after being formally  
274 incorporated in the commonwealth, a Community Agriculture Cooperative shall hold an election  
275 in which all of its members may vote to elect between 6 and 12 Directors to serve on that  
276 Community Agriculture Cooperative's Board of Directors.

277 (b) All members of a Community Agriculture Cooperative are eligible to be elected as a  
278 Director of that Community Agriculture Cooperative.

279 (c) Only members of a Community Agriculture Cooperative are eligible to be elected as a  
280 Director of that Community Agriculture Cooperative.

281 (d) All members of a Community Agriculture Cooperative shall be eligible to vote for its  
282 Board of Directors.

283 (e) Only members of a Community Agriculture Cooperative shall be eligible to vote for  
284 its Board of Directors.

285 (f) Within 90 days of a Community Agriculture Cooperative electing its first Board of  
286 Directors, the Board of Directors shall draft the Community Agriculture Cooperative's bylaws.

287 (g) A Community Agriculture Cooperative's bylaws shall specify: (i) how often the  
288 Community Agriculture Cooperative shall hold elections for its Board of Directors, provided that  
289 those elections shall take place at least once every 2 years; (ii) the rules and procedures  
290 governing the Community Agriculture Cooperative's elections for members of the Board of  
291 Directors; (iii) that all permanent residents of the geographic membership area specified in the  
292 Community Agriculture Grant Application to which the Community Agriculture Cooperative is  
293 linked are members of the Community Agriculture Cooperative; and (iv) any other matters,  
294 procedures, rules, or regulations which the Board of Directors deems appropriate to include in  
295 the bylaws, provided they are consistent with the provisions of this chapter.

296 (h) In order to be adopted, the bylaws of a Community Agriculture Cooperative must be  
297 approved by at least 60 percent of the Board of Directors.

298 (i) In order to be amended, the bylaws of a Community Agriculture Cooperative must be  
299 approved by at least 60 percent of the Board of Directors.

300 (j) Within 90 days of a Community Agriculture Cooperative electing its first Board of  
301 Directors, the Board of Directors shall select one of its members to serve as that Community  
302 Agriculture Cooperative's Treasurer.



303 (k) Any meeting of a Board of Directors shall be open to any member of the Community  
304 Agriculture Cooperative. The time and location of all meetings of a Board of Directors shall be  
305 publicly announced not later than 14 days before the meeting takes place.

306 Section 6. (a) For the election in which a newly incorporated Community Agriculture  
307 Cooperative elects its first Board of Directors, the division shall make all appropriate and  
308 feasible efforts to notify each member of the Community Agriculture Cooperative: (i) that they  
309 are a member of the newly incorporated Community Agriculture Cooperative; (ii) that the  
310 Community Agriculture Cooperative is receiving a financial grant to produce food; (iii) that the  
311 Board of Directors will be empowered to make important decisions about the type of food  
312 produced, the ways in which it is produced, and the ways in which it is distributed; (iv) that they  
313 may vote to elect the Community Agriculture Cooperative's first Board of Directors; and (v) the  
314 date, time, and location at which the election shall be held.

315 (b) For the first election in which a Community Agriculture Cooperative elects its first  
316 Board of Directors, the ballots must be cast and counted within the geographic membership area.

317 (c) For the first election in which a Community Agriculture Cooperative elects its first  
318 Board of Directors, the division alone shall have the duty and authority to: (i) schedule the  
319 election; (ii) facilitate a fair way in which members may cast votes through secret ballots; (iii)  
320 count the votes; and (iv) notify all members of the names of the individuals who were elected to  
321 be on the Community Agriculture Cooperative's first Board of Directors.

322 Section 7. (a) A Community Agriculture Grant shall consist of a one-time financial grant,  
323 disbursed by the division, directly to the bank account of a Community Agriculture Cooperative.

324 (i) A Community Agriculture Grant for a Community Agriculture Cooperative that  
325 has not greater than 500 permanent residents of its geographic membership area, as determined  
326 by the commissioner, shall consist of \$500,000.

327 (ii) A Community Agriculture Grant for a Community Agriculture Cooperative that  
328 has not less than 500 permanent residents and not greater than 750 permanent residents of its  
329 geographic membership area, as determined by the commissioner, shall consist of \$700,000.

330 (iii) A Community Agriculture Grant for a Community Agriculture Cooperative that  
331 has not less than 750 permanent residents and not greater than 1,000 permanent residents of its  
332 geographic membership area, as determined by the commissioner, shall consist of \$1,000,000.

333 (b) The division retains the legal right to claim the remaining, unspent money from a  
334 Community Agriculture Grant or claim ownership over any items, tools, land, real property, or  
335 equipment that was purchased with money from a Community Agriculture Grant if a major  
336 violation has taken place.

337 (c) A Community Agriculture Grant shall not be deposited in the bank account of a  
338 Community Agriculture Cooperative until each one of its Directors signs a memorandum of  
339 understanding indicating that they understand and consent to: (i) allow the division to claim the  
340 remaining, unspent money from a Community Agriculture Grant or to claim ownership over any  
341 items, tools, land, real property, or equipment that was purchased entirely with money from a  
342 Community Agriculture Grant if a major violation has taken place; (ii) allow the division, its  
343 agents, and its employees to inspect the records, bank statements, and premises of a Community  
344 Agriculture Cooperative to ensure compliance with the regulations established by this chapter;  
345 and (iii) all of the duties and legal obligations established by this chapter.

346 Section 8. (a) The division shall create an application called the Community Agriculture  
347 Grant Application with which individuals can apply for a Community Agriculture Grant. The  
348 division and its agents and employees shall refer to the Community Agriculture Grant  
349 Application as such.

350 (b) Any party submitting a Community Agriculture Grant Application must live in the  
351 geographic membership area identified in that Community Agriculture Grant Application.

352 (c) The Community Agriculture Grant Application shall require the applicant to: (i)  
353 provide their name; (ii) provide their address; (iii) identify a geographic membership area,  
354 defined according to the street names that compose the borders of the geographic membership  
355 area; and (iv) provide any other information that the commissioner deems appropriate to include  
356 on every Community Agriculture Grant Application.

357 Section 9. (a) The division shall develop regulations and guidelines regarding the process  
358 and criteria for approval of a Community Agriculture Application, including but not limited, to:

359 (1) Prioritize a Community Agriculture Application with a geographic membership area  
360 that overlaps with Census Tracts which, on average, have a lower median household income,  
361 over a Community Agriculture Application with a geographic membership area that overlaps  
362 with Census Tracts which, on average, have a higher median household income, as calculated by  
363 the U.S. Census Bureau; and

364 (2) Prioritize Community Agriculture Applications which indicate, in the judgment of the  
365 division, that the applicant has developed a strong and credible plan to grow community food.  
366 When considering the strength and credibility of such a plan, the division shall consider whether  
367 a Community Agriculture Application includes (i) a specific proposal involving what kinds of

368 food to grow and how to distribute or sell it; (ii) a specific proposal involving where to purchase  
369 land or other real property; (iii) evidence of community support for said proposals within the  
370 geographic membership area; (iv) information that, in the judgment of the division, indicates that  
371 the plan would be likely to succeed if it were adopted by the board of directors of a Community  
372 Agriculture Cooperative; and (v) any other information that the division lawfully and  
373 appropriately deems relevant.

374 (b) When the division approves a Community Agriculture Application, the division shall  
375 assist the applicant in filing the necessary paperwork to incorporate a nonprofit corporation in the  
376 commonwealth that shall serve as the Community Agriculture Cooperative.

377 (c) When the division approves a Community Agriculture Application, the division shall  
378 assist the applicant in creating a bank account for the Community Agriculture Cooperative to use  
379 and into which the Community Agriculture Grant may be deposited.

380 Section 10. No part of a geographic membership area may overlap with any Census Tract  
381 for which the median household income, as calculated by the US Census Bureau, exceeds 90  
382 percent of the statewide median household income, as calculated by the US Census Bureau.

383 Section 11. A Community Agriculture Cooperative may not purchase land or real  
384 property on which to grow community food if that land or real property is more than one mile  
385 from the closest point within the geographic membership area.

386 Section 12. (a) The division shall establish a clear and convenient system with which a  
387 Community Agriculture Cooperative, by and through its agents, can record all purchases it  
388 makes with funds, in whole or in part, from a Community Agriculture Grant.

389 (b) A Community Agriculture Cooperative, by and through its agents, must record every  
390 purchase it makes with funds, in whole or in part, from a Community Agriculture Grant, within  
391 seven days of making such purchase.

392 (c) On the first day of each calendar month, a Community Agriculture Cooperative shall  
393 notify the division of any purchases that it made in the previous calendar month with funds, in  
394 whole or in part, from a Community Agriculture Grant.

395 (d) The division shall not require a Community Agriculture Cooperative to obtain consent  
396 from the division to make purchases with funds from a Community Agriculture Grant, before  
397 those purchases have been made.

398 (e) At any time, the division, its agents, and its employees shall have the right to inspect  
399 the records, bank statements, and premises of a Community Agriculture Cooperative to ensure  
400 compliance with the regulations established by this chapter.

401 (f) Minor violations may not be punished.

402 (g) Major violations may be punished in either or both of the following ways: (i) the  
403 commissioner may punish major violations by claiming the remaining, unspent money from a  
404 Community Agriculture Grant or claiming ownership over any items, tools, land, real property,  
405 or equipment that was purchased entirely with money from a Community Agriculture Grant; (ii)  
406 the commissioner may punish major violations by requiring any individual or group of  
407 individuals to resign from the Board of Directors and to schedule an election to fill the resultant  
408 vacancies on the Board of Directors.

409           Section 13. (a) The division shall create and publish Community Agriculture Standards,  
410 including, but are not limited, to: (i) minimize, to the greatest extent feasible and appropriate, the  
411 use of chemical fertilizers; (ii) minimize, to the greatest extent feasible and appropriate, the use  
412 of chemical pesticides; (iii) minimize, to the greatest extent feasible and appropriate, the use of  
413 chemical herbicides; (iv) minimize, to the greatest extent feasible and appropriate, the frequency  
414 with which soil is tilled; (v) minimize, to the greatest extent feasible and appropriate, the number  
415 of inches that tilling extends into the soil; and (vi) maximize, to the greatest extent feasible and  
416 appropriate, the use of polyculture.

417           (b) The division shall amend the Community Agriculture Standards when appropriate.

418           (c) The division shall develop regulations to ensure that community food is grown in soil  
419 that does not contain dangerous levels of lead or any other toxin.

420           (d) If community food is grown directly in the ground, the ground soil must be tested first  
421 to ensure that it does not contain dangerous levels of lead or any other toxin.

422           Section 14. (a) The division shall hire not less than two Technical Assistance Experts  
423 with direct experience with agricultural production that does not rely on chemical fertilizers,  
424 chemical pesticides, or chemical herbicides. No fewer than one of the Technical Assistance  
425 Experts will have direct experience with indoor agricultural production.

426           (b) The Technical Assistance Experts shall be available to help members of Community  
427 Agriculture Cooperatives, answer their questions, and offer guidance regarding agricultural  
428 production.

429 (c) At least one Technical Assistance Expert shall speak English and any other language  
430 spoken by at least 10 percent of the Massachusetts population.

431 (d) Technical Assistance Experts must be hired as full time employees of the division.

432 (e) Technical Assistance Experts must receive an annual salary that is not less than 140  
433 percent of the statewide per capita income, as calculated by the United States Census Bureau.

434 (f) Technical Assistance Experts must receive health insurance, dental insurance, at least  
435 two weeks of paid vacation time, and at least one paid sick day off of work for every 20 days in  
436 which they work more than 6 hours.

437 Section 15. The division shall have the power to promulgate any administrative rules and  
438 adjudicate any administrative hearings which are appropriate to implementing this chapter.