

SENATE No. 495

The Commonwealth of Massachusetts

PRESENTED BY:

Joseph A. Boncore

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.

PETITION OF:

| NAME: | DISTRICT/ADDRESS: | |
|---------------------------|------------------------------------|------------------|
| <i>Joseph A. Boncore</i> | <i>First Suffolk and Middlesex</i> | |
| <i>Adrian C. Madaro</i> | <i>1st Suffolk</i> | |
| <i>James B. Eldridge</i> | <i>Middlesex and Worcester</i> | <i>3/8/2021</i> |
| <i>Marc R. Pacheco</i> | <i>First Plymouth and Bristol</i> | <i>3/10/2021</i> |
| <i>Nick Collins</i> | <i>First Suffolk</i> | <i>3/25/2021</i> |
| <i>Susannah M. Whipps</i> | <i>2nd Franklin</i> | <i>4/1/2021</i> |

SENATE No. 495

By Mr. Boncore, a petition (accompanied by bill, Senate, No. 495) of Joseph A. Boncore, Adrian C. Madaro, James B. Eldridge, Marc R. Pacheco and other members of the General Court for legislation to crate a Garden Agriculture Program. Environment, Natural Resources and Agriculture.

The Commonwealth of Massachusetts

**In the One Hundred and Ninety-Second General Court
(2021-2022)**

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.