FILED ON: 6/7/2013

HOUSE . . . . . No. 3504

The Commonwealth of Massachusetts

In the Year Two Thousand Thirteen

An Act to expand access to healthy foods and create the Massachusetts Food Trust.

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

SECTION 1:

Chapter 20 of the 2010 General Laws is hereby amended by inserting after section 6C the following sections:-

Section 6D. (a) There shall be, within the department, a dedicated Massachusetts Food Trust Program. The purpose of this program shall be to establish a financing infrastructure that increases access to healthy food options and improves economic opportunities for nutritionally underserved communities in urban, rural and suburban localities across the Commonwealth.

(b) For the purposes of section 6E, the following words and phrases shall have the following meanings:

"community development financial institution," as defined in Section 4702 of Chapter 12 U.S.C., is a person (other than an individual) that—

1. has a primary mission of promoting community development;

2. serves an investment area or targeted population;

3. directly, through an affiliate, or through a community partnership, provides development services and equity investments or loans;

4. maintains, through representation on its governing board or otherwise, accountability to residents of its investment area or targeted population; and

5. is not an agency or instrumentality of the United States, or of any State or political subdivision of a State.

6. A subsidiary of a CDFI may only qualify as a community development financial institution if its parent company and the subsidiaries thereof (on a consolidated basis) also qualify as community development financial institutions.

"department," the Massachusetts Department of Agricultural Resources (MDAR)

"nutritionally underserved community" is a low or moderate income census tract community with below average food store density, or one in which residents have limited access to healthy and fresh food.

SECTION 2:

Chapter 20 of the 2010 General Laws is hereby amended by inserting after section 6D the following section:-

Section 6E.

(a) Designated Community Development Financial Institutions ("CDFIs") shall be authorized by the department to develop and implement flexible financing programs, including grants and loans, to support the creation and expansions of food stores, farmers markets, existing farms and fishing enterprises, or other retailers endeavoring to sell healthy, fresh food to nutritionally underserved communities.

(b) The Food Policy Council shall develop a competitive Request for Proposal ("RFP") process, and the Department will award program involvement to no more than five Community Development Financial Institutions as defined by section 6D of Chapter 20 of the 2010 General Laws.

(i) The RFP process shall strive to ensure that CDFI's in any region of the Commonwealth are able to fairly compete for allocations, including gateway municipalities, urban areas, rural areas, and suburban areas.

(ii) Applications may detail how the CDFI plans to accomplish the stated goals of the food trust through: (a) analysis of market opportunities in underserved communities, (b) partnerships with state and federal agencies, financial institutions, and any private opportunities to obtain additional funding sources in the form of matching grants, loans or technical assistance.

(c) The awarded CDFI's must survey the food providers by collecting regular impact statements, which shall be sent to the Department and the Massachusetts Food Policy Council annually, and will include the total amount of monetary benefit being provided to each food provider, the total number of employees in each location, and the registered corporate, nonprofit, or recipient's name and contact information

i) Impact statement requests must be distributed to the food providers upon application and no later than February 1st annually thereafter.

ii) Impact statements should request the ways in which beneficiary's participation will provide, or has provided, a positive nutritional and economic impact to a nutritionally underserved community.

iii) Impact statements shall detail the recipient's standard job training and hiring practices, and include any of the following available data on the ownership and full-time employees: gender, persons of color, and veteran status.

iv) An inability of the recipient to demonstrate their positive impact to the community may be considered cause for the discontinuation of financial assistance, at the discretion of the CDFI.

(d) The CDFIs may work in conjunction with private and public universities, vocational educational programs; other educational and local organizations in nutritionally underserved communities to develop programs designed to train and educate food providers regarding the designation, marketing, and promotion of nutritious foods to the buying public.

(e) The department and the CDFI may consult with, on a periodic basis, the Massachusetts Food Policy Council and the Massachusetts Grocery Access Task Force in the interest of insuring relevant state-level stakeholders are aware of the CDFI's efforts, and to seek informational assistance when necessary.