

SENATE No. 2899

The Commonwealth of Massachusetts

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

1 by inserting after section 78 the following section:-

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

4 Chapter 128D: Local Garden Agriculture Program

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

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

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

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

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

17 “Division”, the Agriculture Jobs Division

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

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

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

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

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

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

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

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

42 (b) The Garden Agriculture Grant Application shall require applicants to: (i) provide their
43 name; (ii) provide their address; (iii) provide their cumulative family adjusted gross income; (iv)
44 identify which of the following gardening items they would like to receive as part as part of the
45 grant from a list of but not limited to, a trowel; a spade; a pair of pruners; soil; mulch; and
46 organic fertilizer; (v) identify which types of seeds they would like to receive as part of the grant,
47 choosing from a list of available seed types which shall be listed on the Garden Agriculture
48 Grant Application; (vi) indicate whether they would like to receive one raised garden bed or two
49 raised garden beds as part of the grant; (vii) identify the dimensions that they would like the
50 raised garden bed or beds to have, choosing from a list of available dimensions which shall be
51 listed on the Garden Agriculture Grant Application; (viii) indicate whether they would like to
52 receive any other tools, equipment, resources, or items listed on the Garden Agriculture Grant
53 Application, which the commissioner has deemed appropriate to list on the Garden Agriculture
54 Grant Application, provided that it is reasonable to believe that including those tools, equipment,
55 resources, or items on the Garden Agriculture Grant Application would improve the Garden
56 Agriculture Program; and (ix) provide any other information the commissioner deems
57 appropriate for determining whether to award the applicant a Garden Agriculture Grant.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

129 Chapter 128E: Community Agriculture Gardens Program

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

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

134 “Community Agriculture Program”, the cumulative entirety of any and all rules,
135 regulations, contracts, plans, projects, expenditures, and activities completed by the bureau to
136 award Community Agriculture Grants to individuals including, but not limited to: (i) creating a
137 Community Agriculture Grant Application; (ii) reviewing Community Agriculture Grant
138 Applications; (iii) assisting Community Agriculture Cooperatives with establishing a bank
139 account; assisting Community Agriculture Cooperatives with incorporation; (iv) depositing

140 funds into a Community Agriculture Cooperative bank account; assisting Community
141 Agriculture Cooperatives with holding free and fair elections to select individuals to serve on
142 their first Board of Directors; (v) developing Community Agriculture Standards; and monitoring
143 and enforcing the provisions of this chapter.

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

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

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

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

154 “Division”, the Agriculture Jobs Division

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

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

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

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

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

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

167 “Geographic membership area”, a geographically contiguous area that includes at least
168 400 permanent residents

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

174 “Linked”, the formal legal relationship that is established between a Community
175 Agriculture Grant Application and a Community Agriculture Cooperative under the following
176 circumstances: when a Community Agriculture Grant Application is approved, and a Community
177 Agriculture Cooperative is created to receive the funds from the Community Agriculture Grant,
178 then that Community Agriculture Grant Application and that Community Agriculture
179 Cooperative are “Linked.”

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

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

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

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

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

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

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

197 “Feasible and appropriate”, includes (i) physically and biologically possible, as
198 determined by the commissioner; (ii) economically viable, as determined by the commissioner;
199 and (iii) ecologically advantageous, as determined by the commissioner, including, but not
200 limited to, improving soil health, sequestering carbon, increasing biodiversity, protecting natural

201 habitats, protecting the health of pollinators, and any other aspect of ecological sustainability
202 deemed important by the commissioner.

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

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

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

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

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

234 (b) A Community Agriculture Cooperative may spend money in the following ways: (i)
235 to purchase land or real property in fee simple, and any appurtenances to that land, with which to
236 establish a Community Garden to produce community food; (ii) to compensate a real estate
237 agent, real estate broker, or any other individual to locate land, real property, appurtenances,
238 buildings, or other structures that may be appropriate for the Community Agriculture
239 Cooperative to purchase; (iii) to compensate a real estate agent, real estate broker, lawyer, legal
240 expert, or any other individual to assist the Community Agriculture Cooperative in purchasing
241 land, real property, appurtenances, buildings, or other structures in fee simple; (iv) to purchase,
242 construct, or install buildings, greenhouses, raised garden beds, or any other structures that will
243 be used to facilitate the production of community food on a Community Garden; (v) to purchase
244 items, tools, or equipment that will be used to facilitate the production of community food on a

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

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

266 (d) A Community Agriculture Cooperative may not disburse funds to its members except
267 as compensation for: (i) labor performed to produce community food; (ii) labor performed to

268 distribute community food; (iii) labor performed to maintain, clean, or improve land, items,
269 buildings, structures, or real property belonging to the Community Agriculture Cooperative; (iv)
270 labor performed to research information for the benefit of the Community Agriculture
271 Cooperative or its members; (v) administrative business of the Community Agriculture
272 Cooperative, including, but not limited to, attending meetings and bookkeeping; or (vi) in
273 furtherance of any other purpose deemed appropriate by the commissioner.

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

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

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

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

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

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

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

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

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

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

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

307 Section 6. (a) For the election in which a newly incorporated Community Agriculture
308 Cooperative elects its first Board of Directors, the division shall make all appropriate and
309 feasible efforts to notify each member of the Community Agriculture Cooperative: (i) that they

310 are a member of the newly incorporated Community Agriculture Cooperative; (ii) that the
311 Community Agriculture Cooperative is receiving a financial grant to produce food; (iii) that the
312 Board of Directors will be empowered to make important decisions about the type of food
313 produced, the ways in which it is produced, and the ways in which it is distributed; (iv) that they
314 may vote to elect the Community Agriculture Cooperative's first Board of Directors; and (v) the
315 date, time, and location at which the election shall be held.

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

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

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

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

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

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

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

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

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

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

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

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

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

365 (2) Prioritize Community Agriculture Applications which indicate, in the judgment of the
366 division, that the applicant has developed a strong and credible plan to grow community food.
367 When considering the strength and credibility of such a plan, the division shall consider whether
368 a Community Agriculture Application includes (i) a specific proposal involving what kinds of
369 food to grow and how to distribute or sell it; (ii) a specific proposal involving where to purchase
370 land or other real property; (iii) evidence of community support for said proposals within the
371 geographic membership area; (iv) information that, in the judgment of the division, indicates that
372 the plan would be likely to succeed if it were adopted by the board of directors of a Community
373 Agriculture Cooperative; and (v) any other information that the division lawfully and
374 appropriately deems relevant.

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

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

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

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

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

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

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

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

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

402 (f) Minor violations may not be punished.

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

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

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

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

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

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

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

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

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

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

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

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

440