HOUSE . . . . . No. 4745

The Commonwealth of Massachusetts

HOUSE OF REPRESENTATIVES, June 12, 2024.

The committee on Ways and Means, to whom was referred the Bill supporting farm diversification and sustainability (House, No. 754), reports recommending that the same ought to pass with an amendment substituting therefor the accompanying bill (House, No. 4745).

For the committee,

AARON MICHLEWITZ.

FILED ON: 6/12/2024

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The Commonwealth of Massachusetts

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

An Act supporting farm diversification and sustainability.

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. Section 23 of chapter 20 of the General Laws, as appearing in the 2022 Official Edition, is hereby amended by striking out subsection (b) and inserting in place thereof the following subsection:-

(b)(1) Notwithstanding any general or special law to the contrary, the department of agricultural resources, with the approval of the co-holder, if any, in its sole discretion, may grant to any owner of land subject to an agricultural preservation restriction held by the commonwealth a nonassignable special permit allowing nonagricultural activities to occur on land restricted for agricultural purposes if: (i) the land is being actively utilized for full-time commercial agriculture; (ii) the permit is for a period of not less than 1 year in which may, at the discretion of the department, be renewed; and (iii) the grant of a special permit will not defeat or derogate from the intent and purposes of retaining the land for agricultural use and preserving the natural agricultural resources of the commonwealth and that the agricultural preservation restriction owner meets all requirements pertaining to special permits contained in the agricultural preservation restriction agreement form utilized by the commonwealth at the time of

application for the special permit. In making the determination, the department shall consider the long-term productivity of the agricultural resource and the sustainability of the farm enterprise.

(2) Notwithstanding paragraph (1), the department may approve a special permit for a trial period of 1 year to evaluate a proposal for nonagricultural activities. If a special permit is issued to a permit holder for a 1-year trial period the department shall notify the special permit holder not later than 90 days before the end of the 1-year trial period of the department's decision to renew, revoke or amend the permit. If the department fails to notify the special permit holder of its decision to renew, revoke or amend the special permit, the special permit shall automatically be renewed for a period of 5 years.

SECTION 2. Said section 23 of said chapter 20, as so appearing, is hereby further amended by striking out, in line 98, the words "for a special permit authorized in subsection (b)" and inserting in place thereof the following words:- any landowner of land subject to an agricultural preservation restriction aggrieved by a decision of the department relative to a special permit authorized pursuant to subsection (b).

SECTION 3. (a) There shall be a special legislative commission to study and develop recommendations for supporting investments, policies and practices designed to promote equity in agriculture for socially disadvantaged groups in the commonwealth that have been historically or systematically excluded or have had less access to resources and opportunities based on cultural, racial or ethnic prejudice. These groups shall include, but shall not be limited to, African Americans, Cape Verdeans, Hispanics, Asian Americans, Pacific Islanders, Caribbean Islanders, Native Americans and Alaskan natives.

(b) The commission shall consist of the following members: the commissioner of agricultural resources, or a designee; the chairs of the joint committee on agriculture; 1 member appointed by the Massachusetts Black and Latino legislative caucus; 1 member appointed by the Massachusetts House Asian caucus; 2 members appointed by the Massachusetts food system caucus, who shall be selected through an open nomination process pursuant to criteria developed by the caucus; 2 members appointed by the commissioner of agricultural resources who shall represent Buy Local organizations funded by the department of agricultural resources; 2 members appointed by the Massachusetts Food System Collaborative; 1 member appointed by the commission on the status of African Americans; 2 members appointed by a Massachusetts-based farming association; 2 members appointed by non-profit organizations whose primary purpose is working with farmers from socially disadvantaged groups; 1 member appointed by the commission on the status of Latinos and Latinas; 1 member appointed by the commission on the status of Asian Americans and Pacific Islanders; 1 member appointed by the commission on Indian affairs; 1 member appointed by Massachusetts Farm Bureau Federation; 1 member appointed by the Massachusetts Federation of Farmers Markets; and 1 member appointed by the Center for Agriculture, Food and the Environment at the University of Massachusetts Amherst. Members appointed to the commission shall, to the extent possible, represent a diversity of knowledge of urban and rural agricultural practices and experiences and be knowledgeable in agriculture. The commission shall be co-chaired by the commissioner of agricultural resources and a member of the commission chosen by the members.

(c) The commission shall investigate and study ways to promote equity in agriculture in the commonwealth, and shall prepare a report including, but not be limited to, recommendations related to: (i) data collection and dissemination; (ii) benchmark development and targeting areas

of need; (iii) equitable access to grant programs and distribution of funds; (iv) generating greater equity in the legislative, regulatory and sub-regulatory processes to support agriculture in the commonwealth; (v) improving equity in programs and services offered by the department of agricultural resources, including, but not limited to, programs regarding land access and protection, farmer technical assistance and education, marketing and other existing programs identified by the commission; and (vi) the implementation and monitoring of equity goals in agriculture in the commonwealth established by the commission. Members of the commission shall not receive compensation for their services but may receive reimbursement for the reasonable expenses incurred in carrying out their responsibilities as members of the commission.

(d) The commission shall hold not less than 3 public hearings in various regions of the commonwealth; provided, that not less than 1 public hearing shall be held in a rural area and not less than 1 public hearing shall be held in an urban area with potential for increased urban agriculture.

(e) Not later than December 31, 2025, the commission shall file a report and any recommendations, including any legislation necessary to carry out the recommendations, with the clerks of the house of representatives and the senate, the house and senate committees on ways and means and the joint committee on agriculture. The report shall be publicly available on the website of the department of agricultural resources.