

HOUSE BILL 1216

M4

2lr2194

By: **Delegate Wells**

Introduced and read first time: February 11, 2022

Assigned to: Environment and Transportation

Committee Report: Favorable with amendments

House action: Adopted

Read second time: March 13, 2022

CHAPTER _____

1 AN ACT concerning

2 **Department of Agriculture – Urban Agriculture Grant Fund**

3 FOR the purpose of altering the purpose and contents of and the requirements and
4 qualifications under the Urban Agriculture Grant Fund; and generally relating to
5 the Urban Agriculture Grant Fund.

6 BY repealing and reenacting, without amendments,
7 Article – Agriculture
8 Section 2–2001(a) and 2–2002
9 Annotated Code of Maryland
10 (2016 Replacement Volume and 2021 Supplement)

11 BY adding to
12 Article – Agriculture
13 Section 2–2001(e) and (g)
14 Annotated Code of Maryland
15 (2016 Replacement Volume and 2021 Supplement)

16 BY repealing and reenacting, with amendments,
17 Article – Agriculture
18 Section 2–2001(e), 2–2003, and 2–2004
19 Annotated Code of Maryland
20 (2016 Replacement Volume and 2021 Supplement)

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.

Underlining indicates amendments to bill.

~~Strike out~~ indicates matter stricken from the bill by amendment or deleted from the law by amendment.



SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND,
That the Laws of Maryland read as follows:

Article – Agriculture

2–2001.

(a) In this subtitle the following words have the meanings indicated.

**(E) “QUALIFIED APPLICANT” MEANS AN AGRICULTURAL PRODUCER, A
NONPROFIT ORGANIZATION, OR AN INSTITUTION OF HIGHER EDUCATION THAT
MEETS THE QUALIFICATIONS ESTABLISHED IN § 2–2004 OF THIS SUBTITLE.**

**[(e)] (F) “Urban agricultural producer” means any person that annually sells, or
normally would have sold, \$1,000 or more of farm products in [Baltimore City] AN URBAN
AREA.**

**(G) “URBAN AREA” MEANS AN AREA OF THE STATE THAT IS DELINEATED AS
AN URBAN AREA BY THE U.S. CENSUS BUREAU.**

2–2002.

(a) There is an Urban Agriculture Grant Program in the Department.

(b) The purpose of the Program is to increase the viability of urban farming and
improve access to urban–grown foods.

2–2003.

(a) There is an Urban Agriculture Grant Fund.

(b) The purpose of the Fund is to provide grants to [nonprofit organizations in
Baltimore City] **QUALIFIED APPLICANTS** to implement the Program.

(c) The Secretary shall administer the Fund.

(d) (1) The Fund is a special, nonlapsing fund that is not subject to § 7–302 of
the State Finance and Procurement Article.

(2) The State Treasurer shall hold the Fund separately, and the
Comptroller shall account for the Fund.

(e) The Fund consists of:

(1) Money appropriated to the Fund under subsection (g) of this section;
and

(2) Any other money from any other source accepted for the benefit of the Fund.

(f) In accordance with this subsection, the Fund shall be used to provide grants to [nonprofit organizations that:

(1) Meet the qualifications established in § 2–2004 of this subtitle; and

(2) Distribute the grant money to urban agricultural producers in accordance with this subtitle] **QUALIFIED APPLICANTS.**

(g) **[The] ~~FOR FISCAL YEAR 2024~~ EACH OF FISCAL YEARS 2024, 2025, 2026, 2027, AND 2028,** THE Governor [may] **SHALL** include in the annual budget bill an appropriation **OF ~~\$5,000,000~~ \$250,000** to the Fund.

(h) (1) The Department shall adopt regulations, subject to the availability of money in the Fund, to provide grants under the Fund.

(2) The regulations shall:

(i) Establish a Review Board to implement:

1. A competitive grant application process that prioritizes applications that ~~will accomplish the goals~~ [of the Urban Agriculture section of the 2019 Baltimore Sustainability Plan] ~~UNDER A LOCAL SUSTAINABILITY PLAN and BENEFIT historically~~ **SOCIALLY** disadvantaged urban farmers;

2. A system to fairly:

A. Evaluate each grant application; and

B. Award grants from money available in the Fund; and

3. A grant agreement to be used by the Review Board and grant recipients;

(ii) Require the Review Board to include [members representing]:

1. The [Baltimore Office of Sustainability] **SECRETARY, OR THE SECRETARY'S DESIGNEE;**

2. **[The Baltimore Development Corporation] ONE REPRESENTATIVE OF THE MARYLAND AGRICULTURAL AND RESOURCE-BASED INDUSTRY DEVELOPMENT CORPORATION (MARBIDCO), DESIGNATED BY THE EXECUTIVE DIRECTOR OF MARBIDCO; [and]**

3. [The Department of Planning] **ONE REPRESENTATIVE OF THE NATIONAL ASSOCIATION FOR THE ADVANCEMENT OF COLORED PEOPLE (NAACP), DESIGNATED BY THE MARYLAND STATE CONFERENCE OF NAACP;**

4. **TWO MEMBERS WHO PROVIDE DIRECT EDUCATION AND TRAINING TO URBAN FARMERS THROUGH A NONPROFIT ORGANIZATION OR AN INSTITUTION OF HIGHER EDUCATION; ~~AND~~**

5. **AT LEAST FIVE MEMBERS WITH SUBSTANTIAL EXPERIENCE WORKING IN URBAN AGRICULTURE OR WITH SOCIALLY DISADVANTAGED FARMERS WHO:**

~~A. WORK IN CONJUNCTION TO PROVIDE EDUCATION TO URBAN FARMERS; AND~~

~~B. RESIDE~~ RESIDE **IN ANNE ARUNDEL COUNTY, BALTIMORE CITY, MONTGOMERY COUNTY, OR PRINCE GEORGE'S COUNTY; AND**

6. A STAFF MEMBER OF THE BALTIMORE CITY DEPARTMENT OF PLANNING APPOINTED BY THE DIRECTOR OF THE DEPARTMENT OF PLANNING;

(iii) 1. Require that [more than 75%]:

~~A. AT LEAST 25% of the Review Board be composed of staff representing an agency of Baltimore City; and~~

~~B. AT LEAST 25%~~ **TWO MEMBERS OF THE REVIEW BOARD BE COMPOSED OF MEMBERS REPRESENTING A LOW-INCOME CENSUS TRACT, AS DEFINED BY THE U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT; AND**

2. Require the remainder of the Review Board members to be appointed by the Department, based on the member's ability to help achieve the purpose of the Program under § 2-2002(b) of this subtitle;

(iv) [Require grant recipients] **FOR NONPROFIT ORGANIZATIONS THAT RECEIVE A GRANT FOR THE PURPOSE OF DISTRIBUTING GRANT MONEY TO URBAN AGRICULTURAL PRODUCERS, REQUIRE THE NONPROFIT ORGANIZATION to distribute at least [70%] 85% of the amount of the grant to urban agricultural producers to:**

1. Secure real property:

1 **A. THAT HAS THE NECESSARY INFRASTRUCTURE IN**
2 **PLACE TO GROW FOOD;**

3 **B. FOR WHICH THE GRANTEE WILL BE THE STEWARD OF**
4 **THE REAL PROPERTY; AND**

5 **C. FOR WHICH NOT MORE THAN 20% OF THE GRANT**
6 **MONEY WILL BE USED TO SECURE THE REAL PROPERTY;**

7 2. Maintain safe, environmentally sustainable, and socially
8 responsible practices; and

9 3. [Support] **MAKE CAPITAL IMPROVEMENTS TO**
10 **SUPPORT** viable urban agriculture enterprises;

11 (v) Require that grant applications demonstrate a measurable
12 impact on improving local food access or other community benefits;

13 (vi) [Require] **FOR NONPROFIT ORGANIZATIONS THAT RECEIVE**
14 **A GRANT FOR THE PURPOSE OF DISTRIBUTING GRANT MONEY TO URBAN**
15 **AGRICULTURAL PRODUCERS, REQUIRE** at least [70%] **85%** of the amount of each grant
16 to be distributed to [minority-owned or operated] urban agricultural producers **LOCATED**
17 **IN LOW-INCOME CENSUS TRACTS OR DESIGNATED FOOD DESERTS, OF WHICH AT**
18 **LEAST 25% OF THE GRANT MONEY SHALL BE DISTRIBUTED TO URBAN**
19 **AGRICULTURAL PRODUCERS IN BALTIMORE CITY;** and

20 (vii) Prohibit grant recipients from using more than [30%] **15%** of the
21 amount of the grant for operating expenses.

22 (3) In adopting regulations in accordance with this subsection, the
23 Department shall seek and prioritize input from urban agriculture farms and farmer
24 advocates.

25 (i) On or before October 15 each year, beginning in 2023 and each year thereafter,
26 the Department shall submit a report to the Governor and, in accordance with § 2–1257 of
27 the State Government Article, the Senate Budget and Taxation Committee and the House
28 Appropriations Committee on the effectiveness of the funding provided under this section.

29 2–2004.

30 (a) A nonprofit organization **OR AN INSTITUTION OF HIGHER EDUCATION** is
31 qualified to receive a grant in accordance with this subtitle if the Department determines
32 [that the nonprofit organization]:

(1) [Is] WITH RESPECT TO A NONPROFIT ORGANIZATION, THAT THE NONPROFIT ORGANIZATION IS incorporated or maintains its principal place of business in [Baltimore City] AN URBAN AREA; [and]

(2) [Works] THAT THE ENTITY WORKS to increase the viability of urban farming and improve access to urban-grown foods; AND

(3) THAT THE ENTITY WILL PROVIDE DIRECT TRAINING AND ONGOING TECHNICAL ASSISTANCE, IN ACCORDANCE WITH A PROGRAM THAT IS CERTIFIED BY THE U.S. DEPARTMENT OF AGRICULTURE OR THE DEPARTMENT, TO URBAN AGRICULTURAL PRODUCERS THAT RECEIVE A GRANT UNDER THIS SUBTITLE.

(B) AN URBAN AGRICULTURAL PRODUCER IS QUALIFIED TO RECEIVE A GRANT IN ACCORDANCE WITH THIS SUBTITLE IF THE DEPARTMENT DETERMINES THAT THE URBAN AGRICULTURAL PRODUCER WILL COMPLETE:

~~(1) NEW FARMING TRAINING OR CONTINUING EDUCATION UNDER A PROGRAM THAT IS CERTIFIED BY THE U.S. DEPARTMENT OF AGRICULTURE OR THE DEPARTMENT; AND~~

~~(2) 100 CONTACT HOURS DURING THE GRANT PERIOD TO PROVIDE EDUCATION AND TRAINING RELATED TO URBAN AGRICULTURE TO ELEMENTARY STUDENTS AND ELEMENTARY SCHOOLS~~ A NEW FARMING TRAINING OR CONTINUING EDUCATION PROGRAM.

[(b)] (C) Within 90 days after the end of a grant cycle, a qualified nonprofit organization that received a grant in accordance with this subtitle shall submit a report to the Department that includes the following information:

(1) The names and locations of urban agricultural producers that received funds under the Program;

(2) The dollar amount of funds awarded to each urban agricultural producer; and

(3) The impact of the Program on increasing the viability of urban farming and improving access to urban-grown foods.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2022.