

HOUSE BILL 152

M4
HB 1216/22 – ENT

3lr0499

By: ~~Delegate Wells~~ Delegates Wells, Addison, Allen, Baker, Barve, Boyce, Ciliberti, Foley, Guyton, Healey, Holmes, Jacobs, Lehman, Love, T. Morgan, Nawrocki, Otto, Ruth, Stewart, Terrasa, and Ziegler

Introduced and read first time: January 16, 2023

Assigned to: Environment and Transportation

Committee Report: Favorable with amendments

House action: Adopted

Read second time: February 25, 2023

CHAPTER _____

1 AN ACT concerning

2 **Department of Agriculture – Urban Agriculture Grant ~~Fund~~ Programs –**
3 **Alterations**

4 FOR the purpose of altering the purpose and contents of and the requirements and
5 qualifications under the Urban Agriculture Grant Fund; repealing a requirement
6 that the Department of Agriculture adopt certain regulations to provide grants under
7 the Fund; establishing the Urban Agriculture Advisory Committee to make certain
8 recommendations on the implementation of the Urban Agriculture Grant Program;
9 altering the definition of “urban agricultural producer” under the Urban Agriculture
10 Water and Power Infrastructure Grant Program; and generally relating to the Urban
11 Agriculture Grant Fund urban agriculture grant programs in the Department of
12 Agriculture.

13 BY repealing and reenacting, without amendments,
14 Article – Agriculture
15 Section 2–2001(a) ~~and 2–2002, 2–2002, 2–2101(a), and 2–2102~~
16 Annotated Code of Maryland
17 (2016 Replacement Volume and 2022 Supplement)

18 BY adding to
19 Article – Agriculture
20 Section 2–2001(e) and (g)
21 Annotated Code of Maryland

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.



(2016 Replacement Volume and 2022 Supplement)

BY repealing and reenacting, with amendments,
Article – Agriculture
Section 2–2001(e), 2–2003, ~~and 2–2004~~ 2–2004, and 2–2101(f)
Annotated Code of Maryland
(2016 Replacement Volume and 2022 Supplement)

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~~:

**(1) DELINEATED AS AN URBAN AREA BY THE U.S. CENSUS BUREAU;
OR**

(2) WITHIN THE BOUNDARIES OF A MUNICIPAL CORPORATION.

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 EACH OF FISCAL YEARS 2025, 2026, 2027, 2028, AND 2029, THE Governor [may] SHALL include in the annual budget bill an appropriation OF \$250,000 AT LEAST \$100,000 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 and historically] BENEFIT 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;~~

~~5. AT LEAST FIVE MEMBERS WITH SUBSTANTIAL EXPERIENCE WORKING IN URBAN AGRICULTURE OR WITH SOCIALLY DISADVANTAGED FARMERS WHO 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% of the Review Board be composed of staff representing an agency of Baltimore City] TWO MEMBERS OF THE REVIEW BOARD BE 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:~~

~~A. THAT HAS THE NECESSARY INFRASTRUCTURE IN PLACE TO GROW FOOD;~~

~~B. FOR WHICH THE GRANTEE WILL BE THE STEWARD OF THE REAL PROPERTY; AND~~

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

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

~~3. [Support] MAKE CAPITAL IMPROVEMENTS TO SUPPORT viable urban agriculture enterprises;~~

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

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

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

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

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

(H) (1) THERE IS AN URBAN AGRICULTURE ADVISORY COMMITTEE TO RECOMMEND GUIDELINES, POLICIES, AND PRACTICES FOR THE IMPLEMENTATION OF THE URBAN AGRICULTURE GRANT PROGRAM.

(2) THE COMMITTEE CONSISTS OF THE FOLLOWING MEMBERS:

(I) FIVE MEMBERS, APPOINTED BY THE SECRETARY, WITH EXPERTISE IN URBAN AGRICULTURE OR WORKING WITH SOCIALLY DISADVANTAGED FARMERS WHO RESIDE IN ANNE ARUNDEL COUNTY, BALTIMORE CITY, MONTGOMERY COUNTY, OR PRINCE GEORGE'S COUNTY;

(II) TWO MEMBERS, APPOINTED BY THE SECRETARY, WITH EXPERTISE IN PROVIDING EDUCATION AND TRAINING TO URBAN FARMERS THROUGH A NONPROFIT ORGANIZATION OR AN INSTITUTION OF HIGHER EDUCATION;

(III) ONE MEMBER APPOINTED BY THE MARYLAND AGRICULTURAL AND RESOURCE-BASED INDUSTRY DEVELOPMENT CORPORATION;

(IV) ONE MEMBER APPOINTED BY THE MARYLAND STATE CONFERENCE OF THE NATIONAL ASSOCIATION FOR THE ADVANCEMENT OF COLORED PEOPLE (NAACP); AND

(V) ONE MEMBER APPOINTED BY THE DEPARTMENT OF PLANNING FOR THE CITY OF BALTIMORE.

(3) THE SECRETARY SHALL DESIGNATE THE CHAIR OF THE COMMITTEE.

(4) THE DEPARTMENT SHALL PROVIDE STAFF FOR THE COMMITTEE.

(5) A MEMBER OF THE COMMITTEE:

(I) MAY NOT RECEIVE COMPENSATION AS A MEMBER OF THE COMMITTEE; BUT

(II) IS ENTITLED TO REIMBURSEMENT FOR EXPENSES UNDER THE STANDARD STATE TRAVEL REGULATIONS, AS PROVIDED IN THE STATE BUDGET.

(6) THE COMMITTEE SHALL MAKE RECOMMENDATIONS THAT:

(I) ESTABLISH A COMPETITIVE GRANT APPLICATION PROCESS THAT PRIORITIZES APPLICATIONS THAT BENEFIT SOCIALLY DISADVANTAGED URBAN FARMERS TO:

1. SECURE REAL PROPERTY:

1 A. THAT HAS ESTABLISHED THE NECESSARY
2 INFRASTRUCTURE TO GROW FOOD;

3 B. FOR WHICH THE GRANTEE IS THE STEWARD OF THE
4 REAL PROPERTY; AND

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

7 2. MAINTAIN SAFE, ENVIRONMENTALLY SUSTAINABLE,
8 AND SOCIALLY RESPONSIBLE PRACTICES; AND

9 3. MAKE CAPITAL IMPROVEMENTS TO SUPPORT VIABLE
10 URBAN AGRICULTURE ENTERPRISES;

11 (II) REQUIRE THAT GRANT APPLICATIONS DEMONSTRATE A
12 MEASURABLE COMMUNITY BENEFIT, WHICH MAY INCLUDE IMPROVING LOCAL FOOD
13 ACCESS; AND

14 (III) PROHIBIT GRANT RECIPIENTS FROM USING MORE THAN
15 15% OF THE AMOUNT OF THE GRANT FOR OPERATING EXPENSES.

16 (7) ON OR BEFORE DECEMBER 30, 2023, AND EACH DECEMBER 30
17 THEREAFTER, THE URBAN AGRICULTURE ADVISORY COMMITTEE SHALL REPORT
18 TO THE GOVERNOR AND, IN ACCORDANCE WITH § 2-1257 OF THE STATE
19 GOVERNMENT ARTICLE, THE SENATE BUDGET AND TAXATION COMMITTEE AND
20 THE HOUSE APPROPRIATIONS COMMITTEE.

21 2-2004.

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

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

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

30 (3) THAT THE ENTITY WILL PROVIDE DIRECT TRAINING AND
31 ONGOING TECHNICAL ASSISTANCE, IN ACCORDANCE WITH A PROGRAM THAT IS
32 CERTIFIED BY THE U.S. DEPARTMENT OF AGRICULTURE OR THE DEPARTMENT, TO

1 URBAN AGRICULTURAL PRODUCERS THAT RECEIVE A GRANT UNDER THIS
2 SUBTITLE.

3 (B) AN URBAN AGRICULTURAL PRODUCER IS QUALIFIED TO RECEIVE A
4 GRANT IN ACCORDANCE WITH THIS SUBTITLE IF THE DEPARTMENT DETERMINES
5 THAT THE URBAN AGRICULTURAL PRODUCER WILL COMPLETE A NEW FARMING
6 TRAINING OR CONTINUING EDUCATION PROGRAM.

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

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

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

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

16 2-2101.

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

18 (f) “Urban agricultural producer” means any person that:

19 (1) Annually produces farm products in an area of the State [delineated]

20 THAT IS:

21 (I) DELINEATED as an urban area by the U.S. Census Bureau; OR

22 (II) WITHIN THE BOUNDARIES OF A MUNICIPAL CORPORATION;

23 and

24 (2) Sells, plans to sell, or normally would have sold at least \$1,000 annually
25 of farm products produced from a farming operation in the State.

26 2-2102.

27 (a) There is an Urban Agriculture Water and Power Infrastructure Grant
28 Program in the Department.

29 (b) The purpose of the Program is to increase the viability of urban farming and
30 community gardens and improve access to urban-grown foods.

1 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
2 ~~October~~ July 1, 2023.

Approved:

Governor.

Speaker of the House of Delegates.

President of the Senate.