

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.

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**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:

1 SECTION 1. Section 23 of chapter 20 of the General Laws, as appearing in the 2022
2 Official Edition, is hereby amended by striking out subsection (b) and inserting in place thereof
3 the following subsection:-

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

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

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

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

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

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

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

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

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

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