

HOUSE BILL 269

M4
HB 1534/20 – ENT

(PRE-FILED)

11r0412

By: **Delegate Wells**

Requested: July 15, 2020

Introduced and read first time: January 13, 2021

Assigned to: Environment and Transportation

A BILL ENTITLED

1 AN ACT concerning

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

3 FOR the purpose of establishing the Urban Agriculture Grant Program in the Department
4 of Agriculture; establishing an Urban Agriculture Grant Fund; establishing the
5 purpose of the Program and Fund; requiring the Secretary of Agriculture to
6 administer the Fund; requiring the State Treasurer to hold the Fund and the
7 Comptroller to account for the Fund; specifying the contents of the Fund; requiring
8 the Fund to be used to provide certain grants under certain circumstances;
9 establishing certain qualifications for certain nonprofit organizations to receive a
10 certain grant under the Program; requiring certain grant recipients to report certain
11 information to the Department; requiring the Department to adopt certain
12 regulations to administer the Fund; requiring the establishment of a certain Review
13 Board; requiring the Board to provide grants from money available in the Fund;
14 authorizing the Department to appoint certain members to the Board; requiring the
15 Board to include certain representatives; requiring a certain percentage of certain
16 grant amounts to have certain purposes; requiring certain grants to have a certain
17 measurable impact; authorizing certain abandoned property funds to be distributed
18 in certain fiscal years to the Fund; authorizing the Department to adopt certain
19 regulations; defining certain terms; and generally relating to the Urban Agriculture
20 Grant Program in the Department of Agriculture.

21 BY adding to

22 Article – Agriculture

23 Section 2–2001 through 2–2005 to be under the new subtitle “Subtitle 20. Urban
24 Agriculture Grant Program”

25 Annotated Code of Maryland

26 (2016 Replacement Volume and 2020 Supplement)

27 BY repealing and reenacting, with amendments,

28 Article – Commercial Law

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 Section 17–317
2 Annotated Code of Maryland
3 (2013 Replacement Volume and 2020 Supplement)

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

6 **Article – Agriculture**

7 **SUBTITLE 20. URBAN AGRICULTURE GRANT PROGRAM.**

8 **2–2001.**

9 (A) IN THIS SUBTITLE THE FOLLOWING WORDS HAVE THE MEANINGS
10 INDICATED.

11 (B) “FARM PRODUCT” MEANS:

12 (1) ANY AGRICULTURAL, HORTICULTURAL, VEGETABLE, OR FRUIT
13 PRODUCT OF THE SOIL, WHETHER RAW, CANNED, FROZEN, DRIED, PICKLED, OR
14 OTHERWISE PROCESSED;

15 (2) LIVESTOCK, MEATS, MARINE FOOD PRODUCTS, POULTRY, EGGS,
16 OR DAIRY PRODUCTS;

17 (3) WOOL, HIDES, FEATHERS, NUTS, OR HONEY; AND

18 (4) EVERY PRODUCT OF FARM, FOREST, ORCHARD, GARDEN, OR
19 WATER.

20 (C) “FUND” MEANS THE URBAN AGRICULTURE GRANT FUND.

21 (D) “PROGRAM” MEANS THE URBAN AGRICULTURE GRANT PROGRAM.

22 (E) “URBAN AGRICULTURAL PRODUCER” MEANS ANY PERSON THAT
23 ANNUALLY SELLS, OR NORMALLY WOULD HAVE SOLD, \$1,000 OR MORE OF FARM
24 PRODUCTS IN BALTIMORE CITY.

25 **2–2002.**

26 (A) THERE IS AN URBAN AGRICULTURE GRANT PROGRAM IN THE
27 DEPARTMENT.

28 (B) THE PURPOSE OF THE PROGRAM IS TO INCREASE THE VIABILITY OF
29 URBAN FARMING AND IMPROVE ACCESS TO URBAN–GROWN FOODS.

1 **2-2003.**

2 (A) **THERE IS AN URBAN AGRICULTURE GRANT FUND.**

3 (B) **THE PURPOSE OF THE FUND IS TO PROVIDE GRANTS TO NONPROFIT**
4 **ORGANIZATIONS IN BALTIMORE CITY TO IMPLEMENT THE PROGRAM.**

5 (C) **THE SECRETARY SHALL ADMINISTER THE FUND.**

6 (D) (1) **THE FUND IS A SPECIAL, NONLAPSING FUND THAT IS NOT**
7 **SUBJECT TO § 7-302 OF THE STATE FINANCE AND PROCUREMENT ARTICLE.**

8 (2) **THE STATE TREASURER SHALL HOLD THE FUND SEPARATELY,**
9 **AND THE COMPTROLLER SHALL ACCOUNT FOR THE FUND.**

10 (E) **THE FUND CONSISTS OF:**

11 (1) **MONEY DISTRIBUTED TO THE FUND UNDER § 17-317 OF THE**
12 **COMMERCIAL LAW ARTICLE; AND**

13 (2) **ANY OTHER MONEY FROM ANY OTHER SOURCE ACCEPTED FOR**
14 **THE BENEFIT OF THE FUND.**

15 (F) **IN ACCORDANCE WITH THIS SUBSECTION, THE FUND SHALL BE USED TO**
16 **PROVIDE GRANTS TO NONPROFIT ORGANIZATIONS THAT:**

17 (1) **MEET THE QUALIFICATIONS ESTABLISHED IN § 2-2004 OF THIS**
18 **SUBTITLE; AND**

19 (2) **DISTRIBUTE THE GRANT MONEY TO URBAN AGRICULTURAL**
20 **PRODUCERS IN ACCORDANCE WITH THIS SUBTITLE.**

21 (G) (1) **THE DEPARTMENT SHALL ADOPT REGULATIONS, SUBJECT TO**
22 **THE AVAILABILITY OF MONEY IN THE FUND, TO PROVIDE GRANTS UNDER THE FUND.**

23 (2) **THE REGULATIONS SHALL:**

24 (I) **ESTABLISH A REVIEW BOARD TO IMPLEMENT:**

25 1. **A COMPETITIVE GRANT APPLICATION PROCESS THAT**
26 **PRIORITIZES APPLICATIONS THAT WILL ACCOMPLISH THE GOALS OF THE URBAN**
27 **AGRICULTURE SECTION OF THE 2019 BALTIMORE SUSTAINABILITY PLAN;**

28 2. **A SYSTEM TO FAIRLY:**

1 A. EVALUATE EACH GRANT APPLICATION; AND

2 B. AWARD GRANTS FROM MONEY AVAILABLE IN THE
3 FUND; AND

4 3. A GRANT AGREEMENT TO BE USED BY THE REVIEW
5 BOARD AND GRANT RECIPIENTS;

6 (II) REQUIRE THE REVIEW BOARD TO INCLUDE MEMBERS
7 REPRESENTING:

8 1. THE BALTIMORE OFFICE OF SUSTAINABILITY;

9 2. THE BALTIMORE DEVELOPMENT CORPORATION;

10 AND

11 3. THE DEPARTMENT OF PLANNING;

12 (III) 1. REQUIRE THAT MORE THAN 75% OF THE REVIEW
13 BOARD BE COMPOSED OF STAFF REPRESENTING AN AGENCY OF BALTIMORE CITY;
14 AND

15 2. REQUIRE THE REMAINDER OF THE REVIEW BOARD
16 MEMBERS TO BE APPOINTED BY THE DEPARTMENT, BASED ON THE MEMBER'S
17 ABILITY TO HELP ACHIEVE THE PURPOSE OF THE PROGRAM UNDER § 2-2002(B) OF
18 THIS SUBTITLE;

19 (IV) REQUIRE GRANT RECIPIENTS TO DISTRIBUTE AT LEAST
20 70% OF THE AMOUNT OF THE GRANT TO URBAN AGRICULTURAL PRODUCERS TO:

21 1. SECURE REAL PROPERTY;

22 2. MAINTAIN SAFE, ENVIRONMENTALLY SUSTAINABLE,
23 AND SOCIALLY RESPONSIBLE PRACTICES; AND

24 3. SUPPORT VIABLE URBAN AGRICULTURE
25 ENTERPRISES;

26 (V) REQUIRE THAT GRANT APPLICATIONS DEMONSTRATE A
27 MEASURABLE IMPACT ON IMPROVING LOCAL FOOD ACCESS OR OTHER COMMUNITY
28 BENEFITS;

1 (VI) REQUIRE AT LEAST 70% OF THE AMOUNT OF EACH GRANT
2 TO BE DISTRIBUTED TO MINORITY-OWNED OR OPERATED URBAN AGRICULTURAL
3 PRODUCERS; AND

4 (VII) PROHIBIT GRANT RECIPIENTS FROM USING MORE THAN
5 30% OF THE AMOUNT OF THE GRANT FOR OPERATING EXPENSES.

6 (H) ON OR BEFORE OCTOBER 15 EACH YEAR, BEGINNING IN 2023 AND EACH
7 YEAR THEREAFTER, THE DEPARTMENT SHALL SUBMIT A REPORT TO THE
8 GOVERNOR AND, IN ACCORDANCE WITH § 2-1257 OF THE STATE GOVERNMENT
9 ARTICLE, THE SENATE BUDGET AND TAXATION COMMITTEE AND THE HOUSE
10 APPROPRIATIONS COMMITTEE ON THE EFFECTIVENESS OF THE FUNDING
11 PROVIDED UNDER THIS SECTION.

12 **2-2004.**

13 (A) A NONPROFIT ORGANIZATION IS QUALIFIED TO RECEIVE A GRANT IN
14 ACCORDANCE WITH THIS SUBTITLE IF THE DEPARTMENT DETERMINES THAT THE
15 NONPROFIT ORGANIZATION:

16 (1) IS INCORPORATED OR MAINTAINS ITS PRINCIPAL PLACE OF
17 BUSINESS IN BALTIMORE CITY; AND

18 (2) WORKS TO INCREASE THE VIABILITY OF URBAN FARMING AND
19 IMPROVE ACCESS TO URBAN-GROWN FOODS.

20 (B) WITHIN 90 DAYS AFTER THE END OF A GRANT CYCLE, A QUALIFIED
21 NONPROFIT ORGANIZATION THAT RECEIVED A GRANT IN ACCORDANCE WITH THIS
22 SUBTITLE SHALL SUBMIT A REPORT TO THE DEPARTMENT THAT INCLUDES THE
23 FOLLOWING INFORMATION:

24 (1) THE NAMES AND LOCATIONS OF URBAN AGRICULTURAL
25 PRODUCERS THAT RECEIVED FUNDS UNDER THE PROGRAM;

26 (2) THE DOLLAR AMOUNT OF FUNDS AWARDED TO EACH URBAN
27 AGRICULTURAL PRODUCER; AND

28 (3) THE IMPACT OF THE PROGRAM ON INCREASING THE VIABILITY OF
29 URBAN FARMING AND IMPROVING ACCESS TO URBAN-GROWN FOODS.

30 **2-2005.**

31 EXCEPT AS PROVIDED IN § 2-2003(G) OF THIS SUBTITLE, THE DEPARTMENT
32 MAY ADOPT REGULATIONS TO IMPLEMENT THIS SUBTITLE.

Article – Commercial Law

1

2 17–317.

3 (a) (1) All funds received under this title, including the proceeds of the sale of
4 abandoned property under § 17–316 of this subtitle, shall be credited by the Administrator
5 to a special fund. The Administrator shall retain in the special fund at the end of each fiscal
6 year, from the proceeds received, an amount not to exceed \$50,000, from which sum the
7 Administrator shall pay any claim allowed under this title.

8 (2) After deducting all costs incurred in administering this title from the
9 remaining net funds, the Administrator:

10 (I) shall distribute \$2,000,000 to the Maryland Legal Services
11 Corporation Fund established under § 11–402 of the Human Services Article; AND

12 (II) **MAY DISTRIBUTE UP TO \$400,000 TO THE URBAN**
13 **AGRICULTURE GRANT FUND ESTABLISHED UNDER § 2–2003 OF THE AGRICULTURE**
14 **ARTICLE, FOR EACH OF FISCAL YEARS 2023 THROUGH 2026.**

15 (3) (i) Subject to subparagraph (ii) of this paragraph, the Administrator
16 shall distribute all unclaimed money from judgments of restitution under Title 11, Subtitle
17 6 of the Criminal Procedure Article to the State Victims of Crime Fund established under
18 § 11–916 of the Criminal Procedure Article to assist victims of crimes and delinquent acts
19 to protect the victims' rights as provided by law.

20 (ii) If a victim entitled to restitution that has been treated as
21 abandoned property under § 11–614 of the Criminal Procedure Article is located after the
22 money has been distributed under this paragraph, the Administrator shall reduce the next
23 distribution to the State Victims of Crime Fund by the amount recovered by the victim.

24 (4) After making the distributions required under paragraphs (2) and (3)
25 of this subsection, the Administrator shall distribute the remaining net funds not retained
26 under paragraph (1) of this subsection to the General Fund of the State.

27 (b) Before making the distribution, the Administrator shall record the name and
28 last known address, if any, of the owners of funds so distributed and the type of property
29 which the funds distributed represent. The record shall be available for public inspection
30 during reasonable business hours by any person who claims a legal interest in any property
31 held by the Administrator, provided that the person gives prior notice to the Administrator.

32 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect July
33 1, 2021.