

SENATE BILL 673

M4

11r2972
CF HB 269

By: ~~Senator Gallion~~ **Senators Gallion, Ellis, Hester, and Washington**

Introduced and read first time: February 3, 2021

Assigned to: Education, Health, and Environmental Affairs

Committee Report: Favorable with amendments

Senate action: Adopted

Read second time: February 24, 2021

CHAPTER _____

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 authorizing the Governor to include in the annual State budget an appropriation to
10 the Fund; establishing certain qualifications for certain nonprofit organizations to
11 receive a certain grant under the Program; requiring certain grant recipients to
12 report certain information to the Department; requiring the Department to adopt
13 certain regulations to administer the Fund; requiring the Department to seek and
14 prioritize input from certain entities in adopting certain regulations; requiring the
15 establishment of a certain Review Board; requiring the Board to provide grants from
16 money available in the Fund; authorizing the Department to appoint certain
17 members to the Board; requiring the Board to include certain representatives;
18 requiring a certain percentage of certain grant amounts to have certain purposes;
19 requiring certain grants to have a certain measurable impact; ~~authorizing certain~~
20 ~~abandoned property funds to be distributed in certain fiscal years to the Fund~~;
21 authorizing the Department to adopt certain regulations; defining certain terms; and
22 generally relating to the Urban Agriculture Grant Program in the Department of
23 Agriculture.

24 BY adding to

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.



1 Article – Agriculture

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

4 Annotated Code of Maryland

5 (2016 Replacement Volume and 2020 Supplement)

6 ~~BY repealing and reenacting, with amendments,~~

7 ~~Article – Commercial Law~~

8 ~~Section 17–317~~

9 ~~Annotated Code of Maryland~~

10 ~~(2013 Replacement Volume and 2020 Supplement)~~

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

13 **Article – Agriculture**

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

15 **2–2001.**

16 (A) IN THIS SUBTITLE THE FOLLOWING WORDS HAVE THE MEANINGS
17 INDICATED.

18 (B) “FARM PRODUCT” MEANS:

19 (1) ANY AGRICULTURAL, HORTICULTURAL, VEGETABLE, OR FRUIT
20 PRODUCT OF THE SOIL, WHETHER RAW, CANNED, FROZEN, DRIED, PICKLED, OR
21 OTHERWISE PROCESSED;

22 (2) LIVESTOCK, MEATS, MARINE FOOD PRODUCTS, POULTRY, EGGS,
23 OR DAIRY PRODUCTS;

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

25 (4) EVERY PRODUCT OF FARM, FOREST, ORCHARD, GARDEN, OR
26 WATER.

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

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

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

1 **2-2002.**

2 (A) THERE IS AN URBAN AGRICULTURE GRANT PROGRAM IN THE
3 DEPARTMENT.

4 (B) THE PURPOSE OF THE PROGRAM IS TO INCREASE THE VIABILITY OF
5 URBAN FARMING AND IMPROVE ACCESS TO URBAN-GROWN FOODS.

6 **2-2003.**

7 (A) THERE IS AN URBAN AGRICULTURE GRANT FUND.

8 (B) THE PURPOSE OF THE FUND IS TO PROVIDE GRANTS TO NONPROFIT
9 ORGANIZATIONS IN BALTIMORE CITY TO IMPLEMENT THE PROGRAM.

10 (C) THE SECRETARY SHALL ADMINISTER THE FUND.

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

13 (2) THE STATE TREASURER SHALL HOLD THE FUND SEPARATELY,
14 AND THE COMPTROLLER SHALL ACCOUNT FOR THE FUND.

15 (E) THE FUND CONSISTS OF:

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

18 (2) ANY OTHER MONEY FROM ANY OTHER SOURCE ACCEPTED FOR
19 THE BENEFIT OF THE FUND.

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

22 (1) MEET THE QUALIFICATIONS ESTABLISHED IN § 2-2004 OF THIS
23 SUBTITLE; AND

24 (2) DISTRIBUTE THE GRANT MONEY TO URBAN AGRICULTURAL
25 PRODUCERS IN ACCORDANCE WITH THIS SUBTITLE.

26 (G) THE GOVERNOR MAY INCLUDE IN THE ANNUAL BUDGET BILL AN
27 APPROPRIATION TO THE FUND.

1 ~~(G)~~ **(H)** **(1)** **THE DEPARTMENT SHALL ADOPT REGULATIONS, SUBJECT**
2 **TO THE AVAILABILITY OF MONEY IN THE FUND, TO PROVIDE GRANTS UNDER THE**
3 **FUND.**

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

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

6 1. **A COMPETITIVE GRANT APPLICATION PROCESS THAT**
7 **PRIORITIZES APPLICATIONS THAT WILL ACCOMPLISH THE GOALS OF THE URBAN**
8 **AGRICULTURE SECTION OF THE 2019 BALTIMORE SUSTAINABILITY PLAN AND**
9 **HISTORICALLY DISADVANTAGED URBAN FARMERS;**

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

11 A. **EVALUATE EACH GRANT APPLICATION; AND**

12 B. **AWARD GRANTS FROM MONEY AVAILABLE IN THE**
13 **FUND; AND**

14 3. **A GRANT AGREEMENT TO BE USED BY THE REVIEW**
15 **BOARD AND GRANT RECIPIENTS;**

16 **(II)** **REQUIRE THE REVIEW BOARD TO INCLUDE MEMBERS**
17 **REPRESENTING:**

18 1. **THE BALTIMORE OFFICE OF SUSTAINABILITY;**

19 2. **THE BALTIMORE DEVELOPMENT CORPORATION;**
20 **AND**

21 3. **THE DEPARTMENT OF PLANNING;**

22 **(III)** 1. **REQUIRE THAT MORE THAN 75% OF THE REVIEW**
23 **BOARD BE COMPOSED OF STAFF REPRESENTING AN AGENCY OF BALTIMORE CITY;**
24 **AND**

25 2. **REQUIRE THE REMAINDER OF THE REVIEW BOARD**
26 **MEMBERS TO BE APPOINTED BY THE DEPARTMENT, BASED ON THE MEMBER'S**
27 **ABILITY TO HELP ACHIEVE THE PURPOSE OF THE PROGRAM UNDER § 2-2002(B) OF**
28 **THIS SUBTITLE;**

29 **(IV)** **REQUIRE GRANT RECIPIENTS TO DISTRIBUTE AT LEAST**
30 **70% OF THE AMOUNT OF THE GRANT TO URBAN AGRICULTURAL PRODUCERS TO:**

1 1. **SECURE REAL PROPERTY;**

2 2. **MAINTAIN SAFE, ENVIRONMENTALLY SUSTAINABLE,**
3 **AND SOCIALLY RESPONSIBLE PRACTICES; AND**

4 3. **SUPPORT VIABLE URBAN AGRICULTURE**
5 **ENTERPRISES;**

6 (V) **REQUIRE THAT GRANT APPLICATIONS DEMONSTRATE A**
7 **MEASURABLE IMPACT ON IMPROVING LOCAL FOOD ACCESS OR OTHER COMMUNITY**
8 **BENEFITS;**

9 (VI) **REQUIRE AT LEAST 70% OF THE AMOUNT OF EACH GRANT**
10 **TO BE DISTRIBUTED TO MINORITY-OWNED OR OPERATED URBAN AGRICULTURAL**
11 **PRODUCERS; AND**

12 (VII) **PROHIBIT GRANT RECIPIENTS FROM USING MORE THAN**
13 **30% OF THE AMOUNT OF THE GRANT FOR OPERATING EXPENSES.**

14 **(3) IN ADOPTING REGULATIONS IN ACCORDANCE WITH THIS**
15 **SUBSECTION, THE DEPARTMENT SHALL SEEK AND PRIORITIZE INPUT FROM URBAN**
16 **AGRICULTURE FARMS AND FARMER ADVOCATES.**

17 ~~(H)~~ **(I) ON OR BEFORE OCTOBER 15 EACH YEAR, BEGINNING IN 2023 AND**
18 **EACH YEAR THEREAFTER, THE DEPARTMENT SHALL SUBMIT A REPORT TO THE**
19 **GOVERNOR AND, IN ACCORDANCE WITH § 2-1257 OF THE STATE GOVERNMENT**
20 **ARTICLE, THE SENATE BUDGET AND TAXATION COMMITTEE AND THE HOUSE**
21 **APPROPRIATIONS COMMITTEE ON THE EFFECTIVENESS OF THE FUNDING**
22 **PROVIDED UNDER THIS SECTION.**

23 **2-2004.**

24 **(A) A NONPROFIT ORGANIZATION IS QUALIFIED TO RECEIVE A GRANT IN**
25 **ACCORDANCE WITH THIS SUBTITLE IF THE DEPARTMENT DETERMINES THAT THE**
26 **NONPROFIT ORGANIZATION:**

27 **(1) IS INCORPORATED OR MAINTAINS ITS PRINCIPAL PLACE OF**
28 **BUSINESS IN BALTIMORE CITY; AND**

29 **(2) WORKS TO INCREASE THE VIABILITY OF URBAN FARMING AND**
30 **IMPROVE ACCESS TO URBAN-GROWN FOODS.**

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

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

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

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

11 **2-2005.**

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

14 ~~Article—Commercial Law~~

15 ~~17-317.~~

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

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

23 ~~(i) shall distribute \$2,000,000 to the Maryland Legal Services~~
 24 ~~Corporation Fund established under § 11-402 of the Human Services Article; AND~~

25 ~~(ii) MAY DISTRIBUTE UP TO \$400,000 TO THE URBAN~~
 26 ~~AGRICULTURE GRANT FUND ESTABLISHED UNDER § 2-2003 OF THE AGRICULTURE~~
 27 ~~ARTICLE, FOR EACH OF FISCAL YEARS 2023 THROUGH 2026.~~

28 ~~(3) (i) Subject to subparagraph (ii) of this paragraph, the Administrator~~
 29 ~~shall distribute all unclaimed money from judgments of restitution under Title 11, Subtitle~~
 30 ~~6 of the Criminal Procedure Article to the State Victims of Crime Fund established under~~
 31 ~~§ 11-916 of the Criminal Procedure Article to assist victims of crimes and delinquent acts~~
 32 ~~to protect the victims' rights as provided by law.~~

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

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

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

13 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect July
 14 1, 2021.

Approved:

_____ Governor.

_____ President of the Senate.

_____ Speaker of the House of Delegates.