



## 2021 Massachusetts Legislative Wrap Up

*Special thanks to the MA Food System Collaborative*

### **Funding for Farmland Protection**

The Massachusetts Agricultural Restriction Program is funded through both state bond funds and federal dollars provided by USDA-NRCS Agricultural Conservation Easement Program -- Agriculture Land Easement (ACEP-ALE) funds. Funding for the program comes out of the Agency of Energy and Environmental Affairs budget for Land Protection Projects. American Farmland Trust was pleased to see that [\\$11 million](#) dollars was included in the Governors Capital Investment Plan for land acquisition and protection activities.

### **Farmland Protection and Access Legislation**

The Massachusetts Food System Collaborative put together [this policy brief](#) that details MA legislation that impacts farmland.

#### *Farmland Action Plan*

At the beginning of the legislative session, State Senator Gobi and State Representative Blais introduced [S.482](#) and [H.858](#) – An Action regarding Farmland Protection and Viability Action Plan. Farmland advocates in the state were pleased to see that the Farmland Action Plan was funded at \$200,000 in [Governor Baker's Capital Budget](#). This means that the bills above will likely get pulled from the legislative session because funding for the plan was appropriated in the Governor's Capital Budget.

The Farmland Action Plan will do the following for the state's farmland:

- Improve State data collection around farmland;
- Establish a statewide baseline of land in active agricultural production;
- Set measurable goals and benchmarks related to farmland protection, retention, and access; and
- Recommend State Program spending levels to meet those goals and benchmarks (MA Food System Collaborative)

This is a first step for the State of Massachusetts to increase the amount of farmland that is protected through the State's Agricultural Preservation Restriction Program and improve farmland access and affordability opportunities for new, beginning, urban and socially

disadvantaged farmers, as well as ensure that farmers looking to exit farming can pass their farmlands down to the next generation.

### *Changes to MA Current Use Law*

The high price of land in the Commonwealth has made it tough for new and beginning farmers, especially those in urban areas, to find farmland that is affordable and qualifies for MA's Chapter 61A. Under MA's current use taxation code, [Chapter 61A](#), a landowner must farm over five acres of land to qualify for a lower tax rate based on the land being in agricultural production. [H2810](#) An Act relative to non-contiguous farmland and [H3059](#)—An Act relative to expanding agricultural land both aim to change this prediction by expanding Chapter 61A to be used on parcels of land that are under 5 acres and continuous parcels that equal 5 acres and are owned by the same owner.

### **Soil Health Legislation**

American Farmland Trust was pleased to testify and support the creation of the MA Healthy Soil Program that was passed into law during the 2019-2020 legislative session. The healthy soils fund provides incentives, education, and technical assistance for farmers and landowners who implement healthy soil practices including no-till, low-till, cover crops, or other practices that will increase resiliency as weather patterns shift.

Advocates for the program asked that the program be funded at \$160,000 in the FY 2022 budget. The House recommended the program be funded at \$100,000 and the Senate did not earmark funding for the program. The program was funded at \$100,000 dollars in the [MA General Assembly's Final State Budget](#).

### **Climate Change Legislation**

Introduced by Representative Kennedy and Senator Comerford, [S.571](#) -- Resolve to Diversity Farmland Opportunities to Combat Climate Change would create a special commission to find opportunities for agricultural land to play a role in responding to climate change and incentive opportunities. The commission would be asked to consider the following:

- A statewide grid of composting sites;
- Track the carbon content of compost moved into farm soils;
- Study the impact of increasing the amount of organic feedstock being composted;
- Examine whether farms should receive priority access to supplies, technical assistance, and financial subsidies to increase decarbonization efforts

No action has been taken on this legislation since the Senate referred it to the committee on the Environment, Natural Resources, and Agriculture on March 29, 2021.

### **Solar Siting on Farmland Legislation**

Massachusetts was one of the first states to create an incentive program for solar developers to consider where and how solar is sited on the state's valuable farmland. The [Solar Massachusetts Renewable Target \(SMART\) program](#) offers incentives for residential and commercial solar arrays. Overseen by the MA Department of Energy Resources, the program creates incentives for solar developers to consider putting agri voltaics or dual use solar arrays on farmland that is in agricultural use or defined as prime and important by the United States Department of Agriculture's Natural Resource Conservation Service.

This legislative session, to ensure that farmland that is sited with solar remains in agricultural production, the legislature is considering [S.1896](#) – An Act providing a local option to allow more solar energy generation on farmlands. If enacted, this legislation would amend the current use taxation chapter for municipalities to allow solar arrays on agricultural lands if the land stays in agricultural use and generate solar energy in excess of 125% and remain in compliance with the tax deferral status.

No action has been taken on this legislation since it was referred to the committee on Revenue on March 29, 2021.

### **Uniform Partition for Heirs Property Rights (UPHPA)**

Senator Eric Lesser from the First Hampden and Hampshire District and Representative Lori Ehrlich from the Eighth Essex District introduced [H.1559](#) -- An Act relative to uniform partition of heirs property. If enacted, this bill will have Massachusetts join a growing list of states that recognize the need to create pathways for tenants-in-common to address ownership in an orderly way, without prompting a sale as a first remedy. And second, if this bill is passed, it will allow greater options for heirs' property owners to obtain a USDA farm number, and access federal USDA programs and payments, including Farm Service Agency loans.

AFT cares deeply about passing the UPHPA in all fifty states because real estate continues to be extraordinarily expensive and hard to access for young, beginning, and socially disadvantaged farmers (See [NASS 2021 Land Values Survey](#)). Given the high demand for affordable housing and the push to expedite development, it puts land that is held through tenant-in-common, in both urban and rural settings, at risk of being converted to development and pushing land access further out of reach of land operators.

### **Diversity, Equity, and Inclusion Update**

Senator Jo Comerford from the Hampshire, Franklin and Worcester district and Representative Natalie Blais from the first Franklin district introduced [S.502 – An Act Promoting Equity in Agriculture](#) and [H.861 – An Act Promoting Equity in Agriculture](#) that will establish a commission on agricultural equity. The commission will be charged with drafting recommendations to Massachusetts Department Agricultural Resources to more equitably serve

socially disadvantaged farmers in the grant making processes; data collection and dissemination; and policy setting in the commonwealth. Massachusetts Food Systems Collaborative worked with Senator Comerford to introduce this legislation.

The bill was referred to the committee on Environment, Natural Resources and Agriculture on March 29, 2021.

### **American Rescue Plan Funds**

The MA State Legislature will meet to determine how to spend the remaining APRA funds allocated to the state in September. The Massachusetts Food System Collaborative is calling for some of these funds to be allocated to fund the State's Food Infrastructure Grant Program that was created as a result of The Coronavirus Aid, Relief, and Economic Security Act, also known as the CARES Act.