
OLR Bill Analysis

sHB 6854

AN ACT ESTABLISHING THE OFFICE OF THE FOOD ACCESS ADVOCATE AND TAX INCENTIVES FOR GROCERY STORES IN FOOD DESERTS.

SUMMARY

This bill establishes the Office of the Food Access Advocate, within the Department of Social Services for administrative purposes, as a centralized resource to address food insecurity in the state. It designates the Food Access Advocate as its administrator and chief executive officer, who must be (1) appointed by the governor and approved by the General Assembly and (2) qualified by training and experience to perform the office's duties.

Among its specified duties, the advocate's office must collect, maintain, and make publicly available on its website, a link that gives access to an information repository on food access and insecurity including the following:

1. breakdowns of food insecurity by town and U.S. census tract based on reports produced by the U.S. Census Bureau, the U.S. Department of Agriculture, and nonprofit organizations that track food insecurity;
2. the number and location of food deserts in the state (as identified in the Food Access Research Atlas produced by the U.S. Department of Agriculture's Economic Research Service) and average distance traveled for a person within them to obtain nutritious food;
3. the number of food recovery organizations by town or census tract and numbers of people they serve compared to numbers of people with food insecurity in these areas;

4. the amount of food recovered and wasted per town or census tract;
5. the estimated number of homeless people and immigrants without legal residency status per town or census tract; and
6. the impact of the COVID-19 pandemic on the number of food insecure people by town or census tract.

In addition, the bill authorizes a municipality, by ordinance, to allow the abatement of real property taxes of any new grocery store established in a food desert for the next two assessment years if certain conditions are met. In return, the state may, within available appropriations, give financial assistance to the municipality up to the amount of taxes it has abated.

EFFECTIVE DATE: October 1, 2023

§ 1 — OFFICE OF THE FOOD ACCESS ADVOCATE

The bill charges the office with the following duties:

1. coordinating outreach for food insecurity programs, including developing new initiatives and outreach campaigns and identifying best practices to increase enrollment in the state's food insecurity programs;
2. supporting the United Way's 2-1-1 Infoline as the state's 24-hour toll-free hunger hotline help make information about food insecurity programs as widely available as possible;
3. creating, supporting, monitoring, and publicizing town-level food insecurity data throughout the state;
4. supporting grant application processes related to food insecurity for in-state food recovery organizations and state departments by monitoring available grants, recommending grant applications, coordinating grants promoting equity in food access, and helping with the grant application process;

5. coordinating communication with and between food recovery organizations, supermarkets, and groups that facilitate food donations;
6. establishing best practices for food recovery organizations to reduce food waste and to distribute more fresh produce and proteins to food insecurity programs and food banks;
7. collaborating with (a) research organizations and universities to monitor research on areas that are underserved by current food insecurity programs and (b) state and community partners to develop a strategic plan to address these identified gaps;
8. overseeing the development and implementation of public-private partnerships to address food insecurity;
9. supporting the coordinating of assistance to address food insecurity during federal or state declared states of emergency;
10. coordinating food insecurity programming and initiatives for institutions of higher education with the Office of Higher Education;
11. advocating for health, economic, and agricultural policies that reduce food insecurity, including policies promoting a living wage, housing security, and health care access;
12. establishing a system that easily disaggregates data by race, age, household type, and socioeconomic group to further analysis of disproportionate impacts of food security;
13. assessing all (a) reports on food insecurity or policy produced by government task forces, grantees, and partnerships with nonprofit organizations, (b) food security programs offered in the state, and (c) policy recommendations created by past and present city-level food policy councils to create an actionable blueprint to combat food insecurity;
14. supporting community-led efforts to create an environmentally

- sustainable and socially just food system;
15. creating a (a) blueprint that will increase access to the production and sale of locally grown foods, and (b) centralized database for food banks, supermarkets, food rescue organizations, and others to work together to economize efficiency and reduce waste;
 16. crafting policy position documents, talking points, and other materials for internal and external communication;
 17. partnering with industry leaders, trade associations, nongovernmental organizations, institutions that research food insecurity, charitable foundations, and other external groups to align and build support for policy positions;
 18. implementing self-sustainable food practices where residents can grow or pick their own food by creating more edible green spaces in neighborhoods, schools, public parks, community centers, and other common areas;
 19. supporting the establishment and growth of programs in which mobile food trucks serve communities with few transportation options;
 20. advocating for universal school meals and summer programs for youth and underserved people;
 21. facilitating the coordination of efforts between food policy councils and community and state entities;
 22. creating and publicly releasing annual reports on food insecurity findings and recommendations to reduce it; and
 23. implementing recommendations from the National Strategy on Hunger, Nutrition and Health concerning community lessons on growing, healthy storage, and cooking of food.

§ 2 — FOOD ACCESS ADVOCATE

The bill requires a vacancy in the advocate's position to be filled in

the same way as originally appointed, except that if the advocate dies, resigns, becomes ineligible to serve, or is removed from office, the governor must appoint an acting advocate. The acting advocate must exercise all the same powers and duties and serve until the appointment and qualification of the advocate's successor.

Under the bill, the Food Access Advocate may do the following:

1. administer and organize the office's work and establish administrative subdivisions as needed, proper, and expedient;
2. formulate and adopt rules and regulations and prescribe duties for efficiently doing the office's business, work, and general administration;
3. delegate to subordinate officers or office employees power as the advocate sees fit and with his or her supervision and control;
4. appoint and remove clerical, administrative, and other secretarial assistants as needed for the proper conduct of the office, subject to available appropriations;
5. within available appropriations, appoint, retain, or employ any officers, financial managers, social workers, or other professionally qualified personnel on a contract basis or otherwise as needed;
6. maintain suitable office headquarters and other quarters as needed for proper office functioning;
7. solicit and accept grants or funds from the federal government and from other public and private sources for any of the bill's purposes, provided any state funds must be expended only within available appropriations;
8. serve as the food access liaison between the departments of Agriculture, Education, and Social Services; and
9. set up an office website and do other functions as the law may

require.

The bill requires the advocate to file annual reports by January 15 to the Children, Education, Environment, Human Services, and Public Health committees on the status of food insecurity in the state along with recommendations on reducing it.

§§ 4-6 — TAX INCENTIVES FOR GROCERY STORES IN FOOD DESERTS

The bill authorizes municipalities, by ordinance, to partially or fully abate property taxes on any new grocery store established in a food desert for the assessment years beginning on October 1, 2023, and October 1, 2024. To qualify, a grocery store must meet certain labor requirements (see below). The bill requires the ordinance to include abatement requirements and an application process.

The bill allows the state, at the Department of Economic and Community Development (DECD) commissioner's discretion and within available appropriations, to enter into a contract with a municipality providing a state grant for taxes the municipality abated for qualifying grocery stores in these assessment years. The state must pay the grants in each of the assessment years, up to the amount of taxes abated.

It also requires the DECD commissioner, in consultation with the agriculture commissioner, to develop a strategic plan to (1) provide incentives for grocery store construction in a food desert, and (2) expand opportunities for residents of food deserts to gain access to nutritious food. By January 1, 2024, the DECD commissioner must file a report on the strategic plan to the Commerce; Environment; Finance, Revenue and Bonding; Human Services; and Planning and Development committees.

The bill defines a "grocery store" as a retail facility (1) at which at least 90% of square footage is used for the display and sale of food products, of which at least 20% is used to display and sell fresh produce, dairy, and meat products; (2) that is constructed, rehabilitated, remodeled, or refurbished following prevailing wage laws; and (3) that has entered into a labor peace agreement with a bona fide labor

organization (i.e., a labor union that is representing or seeking to represent grocery store workers; see below).

Labor Peace Agreements

Under a labor peace agreement, the grocery store's business owner or operator must agree to maintain a neutral position on the labor organization's efforts to represent store employees, permit the labor organization to have access to store employees, and guarantee to the labor organization the right to get recognition as the exclusive collective bargaining representative of the store's employees by showing that a majority of store workers have signed authorization cards indicating their preference for representation. In return, the bona fide labor organization must agree that its members will refrain from picketing, work stoppages, boycotts, or other economic interference against the business.

The following factors are indicative, but not determinative, of a finding that a labor organization is a bona fide labor organization under the bill. The organization:

1. represents employees in the state with regard to wages, hours, and working conditions;
2. has officers elected by a secret ballot or other manner consistent with federal law;
3. is free of domination or interference by an employer and has received no improper assistance or support from an employer;
4. has been recognized or certified as the bargaining representative for grocery store employees in the state;
5. has executed a current collective bargaining agreement or agreements with grocery store employers in the state;
6. has spent resources as part of a current and active attempt to organize and represent grocery store workers in the state;
7. has, for the three years immediately before any labor peace

agreement with a grocery store seeking a tax abatement, (a) filed its annual financial report with the U.S. Secretary of Labor as required by federal law, (b) audited financial reports, and (c) written bylaws or a constitution; and

8. is affiliated with a regional or national association of unions including central labor councils.

COMMITTEE ACTION

Human Services Committee

Joint Favorable Substitute

Yea 14 Nay 7 (03/23/2023)