
OLR Bill Analysis

sHB 6854 (as amended by House "A")*

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

SUMMARY

This bill directs the Commission on Women, Children, Seniors, Equity and Opportunity (CWCSEO) director, with the Joint Committee on Legislative Management's approval, to hire a food and nutrition policy analyst to coordinate state efforts to reduce food insecurity and food deserts, promote food as medicine, and provide data on access to nutritionally adequate food. The food and nutrition policy analyst must be qualified by training and experience to perform the office's duties.

In addition, the bill authorizes municipalities to provide real property tax abatements by ordinance for the next two assessment years to new grocery stores established in a food desert if certain conditions are met. These conditions include requiring stores that are larger than 20,000 square feet to enter into a labor peace agreement with a bona fide labor organization. In return, the state may, within available appropriations, give financial assistance to the municipality up to the amount of taxes it has abated.

*House Amendment "A" eliminates from the underlying bill the direction to establish the Office of the Food Access Advocate within the Department of Social Services and instead directs CWCSEO to hire a food and nutrition policy analyst. It also requires that grocery stores larger than 20,000 square feet, rather than all grocery stores, enter into labor peace agreements to qualify for the tax abatement program established by the bill.

EFFECTIVE DATE: July 1, 2023, except the provisions regarding tax incentives take effect on October 1, 2023.

§ 2 — FOOD AND NUTRITION POLICY ANALYST

Under the bill, the analyst's duties include the following:

1. creating a program that lets individuals search by home address for places to buy food or receive food assistance (i.e., local food recovery organizations, food insecurity programs, farmers markets, and supermarkets) and includes information on available government programs such as supplemental nutrition assistance (SNAP) and the supplemental nutrition program for women, infants, and children (WIC);
2. creating an interactive map program to monitor and compare city-, town-, and census tract-level food insecurity data, including data on the average distance to, and cost of, nutritionally adequate food and the number and location of food deserts;
3. creating and updating at least biennially a database listing food recovery organizations, food insecurity programs, supermarket locations, and agricultural producers who sell directly to the public;
4. producing an annual report on food insecurity in the state and submitting it to the CWCSEO director;
5. administering a community-focused work group to develop food security best practices and initiatives, which must be composed of an equal number of representatives from local food recovery organizations, local food insecurity programs, local supermarket owners, agricultural food producers, and representatives of other working groups appointed by the General Assembly or executive branch;
6. promoting public awareness of access to nutritionally adequate food and food as medicine; and
7. working with state agencies and the CWCSEO director to promote equitable access to nutritionally adequate food.

The bill requires the person serving as the food and nutrition analyst to have at least a bachelor's degree in public health or public administration or equivalent experience in food and health policy (e.g., a demonstrated knowledge of food insecurity issues, the public health impact of the availability of nutritionally adequate food, and Medicaid coverage of food as medicine).

The bill requires that any programs, data, and reports that the analyst produces as part of the duties listed above be posted on the CWCSEO website. Starting by January 15, 2024, and annually afterwards, the analyst must compile this data into a report, and the CWCSEO director must submit the report and recommendations to reduce food insecurity to the Aging, Environment, Human Services, Planning and Development, and Public Health committees.

§§ 3-5 — TAX INCENTIVES FOR GROCERY STORES IN FOOD DESERTS

The bill authorizes municipalities to partially or fully abate real property taxes by ordinance on any new grocery store established in a food desert for the assessment years beginning on October 1, 2023, and October 1, 2024. The bill requires the ordinance to include any additional requirements and an application process. Also, any grocery store larger than 20,000 square feet must enter 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) to qualify for an abatement under the bill.

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 that the municipality abated for qualifying grocery stores in these assessment years. The grant's amount may be up to the amount of taxes the municipality 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 nutritionally adequate food. By January 1, 2024, the DECD commissioner must file a report on the strategic plan with 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 its 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 and (2) that is constructed, rehabilitated, remodeled, or refurbished following the applicable prevailing wage laws.

Labor Peace Agreements

The bill requires the grocery store’s business owner or operator to do the following under a labor peace agreement:

1. agree to maintain a neutral position on the labor organization’s efforts to represent store employees,
2. permit the labor organization to have access to store employees, and
3. 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 regarding 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)

Appropriations Committee

Joint Favorable

Yea 38 Nay 14 (05/01/2023)