

FOOD AND NUTRITION POLICY AT THE LOCAL LEVEL

Recent Insights
and Themes



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Photo by USDA

Authors and Acknowledgments

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About The Healthy Food Policy Project

The [Healthy Food Policy Project](#) (HFPP) identifies and elevates local laws that seek to promote access to healthy food while also contributing to strong local economies, an improved environment, and health equity, with a focus on socially disadvantaged and marginalized groups. HFPP is a project of the [Center for Agriculture and Food Systems](#) (CAFS) at Vermont Law and Graduate School, the Public Health Law Center (PHLC), and the Rudd Center for Food Policy and Health at the University of Connecticut. This project is funded by the National Agricultural Library, Agricultural Research Service, U.S. Department of Agriculture.



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INTRODUCTION

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Millions of Americans simultaneously experience food and nutrition insecurity while suffering from diet-related diseases like obesity, type 2 diabetes, cardiovascular disease, and cancer.¹ According to the US Department of Health and Human Services, these diseases are some of the leading causes of death and disability in the US with rates increasing steadily over time. One of the root causes of both food and nutrition insecurity and diet-related disease is unequal access to healthy and nutritious foods.²

In addition to state and federal policy action to address disparities in food and nutrition security,³ counties, cities and other local governments can play an important role in improving access to healthy and nutritious food. Local government policymaking provides distinct advantages that federal and state-level policymaking does not, including physical proximity between affected people and policymakers, a smaller number of policymakers to persuade, and smaller, sometimes more like-minded constituencies.⁴

This report identifies recent themes and trends in US laws and executive orders at the local government level that relate to improving food access⁵ and other aspects of food and nutrition security, as well as emerging priority areas that may affect this area of policymaking in the future. Specifically, the first part of the report provides insight regarding some of the administrative and legislative policy changes that occurred between January 2020 and June 2022. The second section addresses themes that may be promising areas for future policymaking based on current areas of focus identified by food policy councils and other groups.

This report may be useful for policymakers, food policy councils, city government staff, advocates, and community groups as they consider policy approaches for their local contexts. It may also be useful for researchers looking to identify areas of policy to evaluate for public health impact, or to otherwise track and monitor through systematic study.



RECENT THEMES

This section is based on the Healthy Food Policy Project’s review of many policy changes over the period from January 2020 to June 2022. The project team examined changes that were formalized in executive orders and ordinances that were either enacted, substantively amended, or that became effective during that time. These local government food policy ordinances and orders were grouped into five themes, each discussed in further detail below. They include

- orders and ordinances that address [emergency and disaster preparedness or response](#),
- ordinances and orders with food policy aims that use [clear language and specific requirements to address racial inequity](#),
- ordinances that require [healthy options for children’s meals](#) in restaurants,
- ordinances that support access to [fresh food retail options](#), and
- ordinances that intersect with [food waste reduction and food access goals](#).

These themes do not reflect all areas of local government policymaking related to food and nutrition security between January 2020 and June 2022. However, we identified them as notable because they were relatively new, trending, or especially persistent during that time frame. Some policies encompass ordinances and orders that specifically responded to the COVID-19 pandemic. Other policies reflect an increasing awareness of racial and economic disparities, which the pandemic and contemporaneous events—such as the tragic murder of George Floyd and subsequent demonstrations of civil unrest—laid bare. Meanwhile, other policymaking within these themes is more likely attributable to ongoing public health, environmental, and other advocacy efforts that began before 2020.

How We Identified these Themes

Our Review

We identified recent policymaking themes covered in the first part of this report by reviewing recently promulgated or amended local ordinances and executive orders that address food security or nutrition. We found many of these laws by searching for food security-related themes in databases that include local government codes. In other instances we identified them through news alerts, referrals, or other sources. The team's conclusions and observations were made within the context of a larger review of hundreds of similar laws and orders over the past several years, including the nearly 700 local legislative and administrative policies analyzed for the Healthy Food Policy Project⁶ and other sources of local policy examples such as GrowingFoodConnections.org.

Limitations

There is relatively little research regarding overall trends in city and other local government food laws in the US. Consequently, there is limited historical precedent to compare and extrapolate current developments. Moreover, because laws are often repealed or substantively amended after adoption, the changing legal landscape compounds the challenge of identifying areas of policy that are persisting, emerging, growing, or otherwise changing. For example, a current search for local food laws related to a given theme does not necessarily allow a researcher to identify all previously relevant laws that are now repealed or otherwise moot. Additional limitations include practical impediments to comprehensive searches of policies in jurisdictions that do not include some or all of their laws in any of the multi-jurisdictional law databases openly available to legal researchers, in addition to the search constraints presented by those databases.





EMERGENCY AND DISASTER PREPAREDNESS OR RESPONSE

Overview

Across the country, local governments took action during the early months of the COVID-19 pandemic to protect the food supply and support food access through emergency legislation and administrative orders. Such emergency policies were often temporary in nature. For example, some were set to automatically phase out at the end of a state or locally declared emergency period, while others appropriated money through a time-limited funding opportunity.

However, many other longer-lasting measures were almost certainly shaped or influenced in some way by the backdrop of the COVID-19 pandemic. This includes the creation of, or amendments to, laws related to emergency management and disaster preparedness without automatic sunset provisions. While some local governments had laws designed to be triggered by a disaster or emergency prior to 2020,⁷ the scope of many of them were expanded after the start of the COVID-19 pandemic. In other cases completely new laws were enacted to specifically consider pandemics and related scenarios.

Additionally, the pandemic may have had the secondary effect of increased momentum for local food policy change. For example, in some localities, community power, policy acumen, or issue awareness may have increased from the experience of responding to the pandemic. This result is not necessarily obvious from the text of policy instruments reviewed, so specific policy examples are not provided below.

Learn More

For more information including peer-reviewed research papers on how COVID-19 is impacting the food system, visit the [Journal of Agriculture, Food Systems, and Community Development's COVID-19 Articles page](#).

Policy Examples

Myriad examples of temporary and one-time funding policies related to COVID-19 can be found in the Healthy Food Policy Project's [COVID-19 Food Access Municipal Policy Index](#) and our [companion resource](#) addressing themes identified from that index through the fall of 2020.⁸ For the purposes of illustration, a few are included below:



[COVID-19 Food Access Municipal Policy Index](#)



[Companion Resource: Municipal Policies to Support Food Access During Emergencies](#)

- **Saline County, Kansas**, Safer at Home Order (March 27, 2020) defined “essential businesses” that could continue during the county’s stay-at-home order to include, for example, food banks, businesses that offer food and “other necessities of life for economically disadvantaged or otherwise needy individuals” and “schools and other entities that typically provide free food services to students or members of the public” on a pick-up or takeaway basis. The order also directed such essential business to take proactive measures to ensure compliance with social distancing requirements, including where possible, “implementing separate operating hours for elderly and vulnerable customers.”⁹
- **Kaua’i County, Hawaii**, Mayor’s Emergency Rule #5, Amendment #3 (April 8, 2020), required stores that sell groceries to “implement controls to discourage hoarding of essential supplies.” Persons violating this rule were subject to fines of up to \$5,000, imprisonment for up to one year, or both.¹⁰
- **Mobile, Alabama**, Order of the Mayor: Guidelines for Retail and Grocery Stores (April 1, 2020) directed retail and grocery stores in the city of Mobile to institute certain guidelines, including reserving “exclusive hours for those in high-risk populations, including seniors, where stores will limit their capacity to 40% of fire capacity at any time,” along with other social distancing and sanitation measures.¹¹
- **Madison, Wisconsin**, Res-20-00293, (April 28, 2020) approved the allocation of \$50,000 in previously authorized funds from the city’s “Miscellaneous Appropriations” and authorized the mayor and city clerk to enter into associated agreements with designated groups and individuals to implement projects or programs that prioritized immediate COVID-19 needs, many of which were related to food assistance, including funding grocery boxes, home-delivered meals using local produce, local produce delivery, neighborhood garden establishment, and other pre-packaged meal delivery.¹²

In addition to temporary and one-time funding policies, other more permanent policies were also passed to address or respond to the pandemic and other emergency-type scenarios. For example in **Los Angeles County**, California the Board of Supervisors amended Los Angeles County California, Code of Ordinances chapter 8.09—which had previously prohibited overpricing of food and other specified goods and services during disasters such as “earthquakes, floods, fires, storms or civil disturbances”—to broaden the types of emergencies it contemplates, and to strengthen consumer protections contained in the law. The law now specifically covers “pandemic or epidemic disease outbreaks” as well as “droughts” and “plant or animal infestation or diseases,” and prohibits “price gouging” on a variety of food-related goods and services, including water, milk, eggs, flour, salt, dried and canned goods, baby food, and restaurant food delivery services following the proclamation or declaration of an emergency. It also prohibits hoarding of vital and necessary consumer food items and other goods. Findings included in the law cite to over 1,100 allegations of price gouging reported to the Los Angeles County Department of Consumer and Business Affairs following the start of the COVID-19 emergency and report an “urgent need to take action to protect the residents of the County.”¹³

Likewise in **Boise, Idaho**, the city enacted Code of Ordinances section 1-15-7(E), which proactively declares “activities necessary to buy, sell, or otherwise deliver food” as exempt from any future “public health emergency order duly enacted by the Mayor,” unless the mayor expressly provides to the contrary. Under this law, the mayor of Boise would not need to, for example, list grocery shopping or working in a food processing plant as allowed activities in a future emergency stay-at-home order.¹⁴

Lincoln, Nebraska, Municipal Code chapters 9.50 and 9.60 provide additional examples. Chapter 9.60 addresses third-party food delivery service fees during an emergency. Among other things, it prohibits third-party food delivery services from charging takeout and delivery customers higher prices than those set by the food establishment they are ordering from. The law provides that “any person or entity that violates any provision of the Chapter during a Declared Emergency shall be guilty of a misdemeanor” and subject to specific monetary fines for each offense. Meanwhile, Chapter 9.50 prohibits a person from engaging in “profiteering” through sale of water and food at an excessive price during future emergencies as declared by the mayor or city council.¹⁵





USDA/FPAC photo by Preston Keres

CLEAR LANGUAGE AND SPECIFIC REQUIREMENTS TO ADDRESS RACIAL INEQUITY

Overview

Over the past few years, local governments enacted food security- and nutrition-related ordinances and orders with very specific language and goals related to racial equity. This area of emphasis was already emerging in local policymaking before 2020. For example, a 2017 Oakland, California, ordinance established a Race and Equity Department and identified “food systems that support local food production and provide access to affordable, healthy, and culturally appropriate foods for all people” as a determinant of equity.¹⁶

However, the number of laws and orders with racial equity-related goals seems to have increased, as has the use of precise language to describe the types of food security and nutrition disparities they aim to address. Likewise, these policies reflect increased specificity regarding the types of requirements they include. Prior to the last five or so years, local government laws that addressed food systems and used deliberate race or ethnicity-specific terminology (such as “Black,” “racial equity,” “BIPOC,” etc.) were mostly limited to laws that recognized equal rights, without specifically prescribing or proscribing any particular type of action. These included laws that generally addressed access to food in places of public accommodation like restaurants; or in instances of incarceration; or in government contracting for food and food service.¹⁷

Learn More



For additional related background, see: [Towards Equitable and Just Food Systems: Exploring Food Justice, Food Sovereignty, and Ending Food Apartheid Policy & Practice.](#)

Policy Examples

Continuing in the vein of the 2017 Oakland, California law referenced above, another example of a local law with racial equity language comes from **Indianapolis and Marion County, Indiana**. In 2021, the City-County Council passed legislation creating and funding an official Division of Community Nutrition and Food Policy, with the explicit aims of “addressing racial inequity in the food system” as well as “creating an inclusive mechanism to launch and coordinate food policies and programs, reducing food insecurity in Indianapolis, and improving equitable access to healthy food in Indianapolis, with a focus on supporting the local food economy and food infrastructure of low access areas.”¹⁸

Prince George’s County, Maryland’s 2020 Healthy Children’s Meal Requirements law (also discussed below in the section titled Healthier Children’s Meals) provides one of the best examples of a law that uses precise language to explain the types of disparities it was created to address. It requires certain types of default food and beverage offerings for children’s meals and describes the quality of foods sold and marketed to specific groups of children. Among other things, the law states that:

“...the beverage industry spends millions each year in targeted marketing to communities of color, such that African-American children and teens see more than twice as many television ads for sugary-drinks than their white peers, lower income neighborhoods have more outdoor ads for sugary drinks than either lower-income or higher-income white neighborhoods, and 80% of food-related ads viewed by Latino children and teens on Spanish-language TV were for sugary drinks, snacks, and candy.”

The law also notes the linkage between sugar consumption and “increased risk of type 2 diabetes, heart disease, obesity, and other chronic diseases” and cites to data indicating that “children in low-income families consume 2½ times more sugary drinks than their peers in higher-income families [which] may be due, in part, to some of the marketing initiatives by the beverage industry.” Finally, it includes the finding that “Latino high school students have the highest rate of overweight and obesity in the County.”¹⁹

An executive order issued on February 10, 2022, by **New York City** Mayor Eric Adams provides an example of an administrative policy that specifically describes certain disparities paired with requirements for how the city can begin to address those disparities. The order requires, among other things, that food advertising must feature healthy, whole foods such as fruits, vegetables, nuts, and whole grains if the advertising is produced, published, or distributed by a city agency or placed on city property.²⁰ The order’s introductory language includes findings from a 2019 study conducted by the city’s Department of Health and Mental Hygiene that “found increased density of advertisements for consumable products, including unhealthy foods, in City neighborhoods with higher proportions of Black residents,” and a 2022 study by the department that found “street-level sugary drink advertisements were disproportionately displayed in specific City neighborhoods, especially those with higher percentages of Black, non-Latino residents.”²¹

Finally, Chapter 13.120 of the **Los Angeles County** Code of Ordinances provides an example of equal rights legislation that goes beyond merely stating a general right to equal access to food. The law, which was passed in 2021 by the county’s board of supervisors, specifically directs that the county identify means for women and girls, including immigrant women and BIPOC women, to access adequate nutrition during pregnancy and lactation.²²



Photo by USDA

HEALTHIER CHILDREN'S MEALS

Overview

One prominent issue area addressed by recent local government food policy activity relates to meals sold and marketed specifically to children. Between 2020 and early 2022, at least nine new local government laws were passed to require healthy default choices for children's meals served at restaurants.²³ Most of these laws focus on the beverage offerings served with such meals—typically requiring the default options for drink choices to be some sort of unsweetened water, milk, or non-dairy milk alternative—with some localities also allowing for 100 percent fruit juices as a default option. Although the strategy is not new (the first such healthy default choice for children's meals law was enacted in 2015 in Davis, California²⁴), these nine laws appear to represent nearly a third of all such local laws passed through that period, indicating that the strategy remains prominently trending.²⁵ Additionally, as demonstrated in the policy examples below, the reach of these laws is expanding to regulate more than just default beverage offerings in some jurisdictions.

Policy Examples

One example of a healthy default beverage choice law was passed in **Golden, Colorado**, in 2022. It provides, in part, that:

“A restaurant shall not sell a children’s meal unless the default beverage is one of the following:
(1) Water, sparkling water, or flavored water with no added natural or artificial sweeteners; or
(2) Dairy milk, with no added caloric sweeteners, low-calorie sweeteners, or flavorings, or non-dairy milk alternative containing no more than 130 calories per container or serving.”

The Golden law also requires that restaurants “list only the default beverages described [above] in conjunction with children’s meals on their menus,” but it does not prohibit restaurants from selling other beverages with children’s meals upon customer request.²⁶

Another example is a 2020 law from **Columbus, Ohio**. That law provides, in part, that:

“No food service operation shall offer a children’s meal that includes a beverage unless the beverage is: (1) water, sparkling water, or flavored water, with no added natural or artificial sweeteners; or (2) nonfat or one (1) percent milk or a non-dairy milk alternative containing no more than 150 calories per container or serving as offered for sale; or (3) 100% fruit juice or fruit juice combined with water or carbonated water, with no added sweeteners, in a serving size of no more than eight (8) ounces.”

Like the Golden law referenced above, the Columbus law also clarifies that “upon a customer’s request, a food service operation may sell, and a customer may purchase, a substitute or alternative beverage” instead of the beverages specified above. In addition, the law directs the health commissioner or a designee to make educational material regarding the nutritional and health reasons to limit a child’s consumption of sweetened beverages available.²⁷

Two other recent healthy children’s meal laws—including one from **Prince George’s County, Maryland**, and another from **Montgomery County, Maryland**—include health requirements related to the food offerings, in addition to the beverage offerings.²⁸ They are the second and third local governments to regulate food offerings in addition to beverages.²⁹ Prince George’s County’s Healthy Children’s Meal Requirements law, for example, requires that food service facilities in the county that offer children’s meals offer at least one meal that, among other things, includes servings of non-fried fruits or vegetables, contains less than 550 calories, and is within specified limits for sodium, saturated fat, and added sugars.³⁰



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FRESH FOOD RETAIL STORE ACCESS

Overview

From 2020 through the first half of 2022, local governments continued to enact laws related to increasing or maintaining access to grocery stores and other food retail outlets offering fresh produce and other staple foods. These included laws aimed at incentivizing grocery store development in specific areas through zoning flexibilities or tax incentives. Though similar incentive laws have been employed to attract grocery stores to and maintain them in underserved and other priority areas³¹ the persistence of these types of strategies remains notable.

Other measures took more novel approaches, such as creating zoning districts that specifically reserve space for grocery store development; or approving the purchase and operation of a grocery store by the local government.

Other recently enacted laws used zoning to limit the density of food stores with limited healthy offerings, such as small-box discount stores or “dollar stores,” by regulating how closely they can be located to one another. According to advocates, when dollar store chains proliferate in an area, they can make it difficult for other stores with a wider variety of fresh food options to open and thereby decrease healthy food access.³² Preventing this seems especially attractive in rural communities, where grocery stores may “run on razor-thin margins.”³³

Small-box discount store restrictions are not new—in 2016, the Unified Government of Wyandotte County and Kansas City, Kansas, was the first local government to enact a law to create dispersal requirements for “dollar retail stores.”³⁴ This is another area of law that seems prominent, if not trending, with numerous local governments passing or expanding laws to disperse small-box discount stores since 2020 and others using outright permanent or temporary moratoriums to ban their development in some or all parts of their communities.³⁵

Some of these strategies have been evaluated for their effectiveness. For example, there has been some study of the overall effectiveness of grocery store-incentive strategies, with findings indicating that attracting new grocery stores to underserved areas does increase access to healthy food in those areas.³⁶ However, there appears to be less information regarding the effectiveness of small-box discount store dispersal laws in supporting food access and other public health aims.³⁷ Given their prevalence, this continuing policy trend is one that researchers may wish to explore in further detail to understand its impacts, especially in the context of alternative approaches to preserving grocery store access, such as local government ownership and operation.

Policy Examples

Minneapolis, Minnesota, enacted a law designed to incentivize grocery store development. It recently amended its zoning code to specify that developments in applicable built form overlay districts may exceed otherwise applicable maximum height and floor area ratios if they include certain features such as grocery stores meeting specified public space requirements and offering fresh produce in compliance with the staple foods requirements of Chapter 203 of the Minneapolis Code of Ordinances.³⁸

Similarly, following 2020 zoning code amendments, **Long Beach, California**, now allows grocery or food markets that devote 30 percent or more of selling space to perishable fresh food items in certain areas of the city—including parts designated as Community Development Block Grant Areas by the Department of Housing and Urban Development—to qualify to deviate from otherwise applicable floor area ratio and parking requirements. Specific incentives include, for example, reducing required parking spots by “one (1) space per one thousand (1,000) square feet if the store is located within a one quarter (¼) mile of a transit stop and bicycle parking is provided on-site, or if the grocery market is developed in a vertical mixed-use format.”³⁹

Meanwhile, **Prince George’s County, Maryland**, Code of Ordinances § 10-235.26, enacted in 2020, provides a 10-year, 80 percent annual tax credit against county personal property taxes for a newly constructed or substantially renovated grocery store located in a healthy food priority area. For purposes of the credit, a healthy food priority area is an area:

- A. “designated by County Council resolution with concurrence of the County Executive as a healthy food priority area due to a combination of the following factors: (i) Limited availability of fresh fruit, vegetables, and other healthy food options in the designated area; (ii) A presence of a significant number or share of low-income residents in the designated area; (iii) Limited transportation options or access for local residents, including limited access to public transit, in the designated area; (iv) Comments from municipal governments, if applicable; and (v) Any other factors that the County Council and the County Executive determine are relevant or
- B. designated by Council resolution with concurrence of the County Executive as a healthy food priority area due to a vacancy created by a departed grocery store.”⁴⁰

Taking a somewhat different approach, a **South Miami, Florida**, law now requires developers who develop in the city’s Mixed-Use Market transit-oriented development district, and who do not satisfy alternative requirements (such as developing affordable housing), to provide adequate space to attract a full-service grocery store with “dairy, canned and frozen foods, fresh fruits and vegetables, fresh and prepared meats, fish and poultry, intended for home preparation, consumption and utilization.”⁴¹

A law passed in 2021 in **Clayton County, Georgia**, provides an example of a small box or “discount store” dispersal law that appears designed to support healthy food access goals by protecting full-service grocery stores. It provides that “Small Box Discount Variety stores are prohibited unless the proposed use is located: (1) more than 5,280 feet or 1 mile from an existing small box discount variety store; and (2) 5 miles from an existing full-service grocery store.” It also stipulates that such stores may only operate with a conditional use permit (CUP), which must include a condition that “a minimum of 10 percent of the floor area of the small box discount variety store must be dedicated to fresh produce, meat and dairy products.”

The law further provides that in addition to general criteria for a CUP:

“...when reviewing a request for CUP for a small box discount variety store use, the Clayton County Board of Commissioners shall consider: 1. Whether the proposed small box discount variety store will likely have a detrimental impact on the development of full-service grocery stores and other businesses that sell fresh and healthy food items in the area to be served by the proposed use. 2. The availability of healthy food options in the area of the proposed use and effect of the use on the retail food environment index as defined by the Centers for Disease Control and Prevention. 3. Whether the proposed use is within a food desert, as defined by the United States Department of Agriculture at the time of application.”⁴²

Taking a different tack to preserve grocery store access, **Erie, Kansas**, purchased its only local grocery store, which it now operates as a municipal service. In doing so, they likely became the third local government to take this approach.⁴³



A 2009 mural by artist John Lewis on a Shop-Rite supermarket in Philadelphia, PA. Library of Congress photo by Carol M. Highsmith.



USDA photo by Lance Cheung

LAWS WITH BOTH FOOD WASTE REDUCTION AND FOOD ACCESS GOALS

Overview

Another cluster of recently enacted local government laws addresses the intersection between food waste reduction and food access. The theme represents an area marked by innovation and one which may be of special interest to sustainability managers and others working more broadly on resiliency and climate action goals, as well as policymakers, government staff, and advocates focused on food systems.

Developments in this area include several laws recently enacted by California municipalities to implement state-level requirements for “commercial edible food generators” to send edible food that would otherwise be disposed of to food recovery organizations, and for localities to implement and oversee edible food recovery programs, as part of broader efforts to reduce organic waste.⁴⁴ These California local government laws have similarities with other food waste reduction laws and regulations in places such as the Portland, Oregon, metropolitan region, Seattle, Washington, and Austin, Texas,⁴⁵ to name a few. However, their emphasis on required “recovery” of edible food (rather than food waste reduction or landfill diversion generally) is notable, as is their proliferation even in small municipalities.

While illustrative of the theme of policies with coincident food waste reduction and food access goals, some authorities suggest these laws and policies result in “donation dumping” on food banks and other emergency food system operators, who must then expend resources to manage disposal of sometimes soon-to-expire or otherwise unwanted foods.⁴⁶ Consequently, these laws may benefit from close consideration and adjustment to ensure they achieve their intended aims with minimal adverse impacts.

Another relative innovation within this theme is legislation that directs city planning around broad and intersecting food systems goals, including both food access and food waste reduction aims.⁴⁷

Policy Examples

One of the multiple examples of California local government laws requiring businesses that generate food waste to send edible food that would otherwise be disposed of to food recovery organizations is **Manhattan Beach, California**, Code of Ordinances § 5.25.050. The law is codified within the city's Mandatory Organic Waste Disposal Reduction chapter. For purposes of the law, a "food recovery organization" is an entity that engages in the collection or receipt of edible food from commercial edible food generators and distributes that edible food to the public either directly or through other entities including food banks, charitable nonprofit organizations, and temporary food facilities.⁴⁸

Redwood City, California, City Code § 47.070 provides another example of city-level implementation of the state requirements for commercial edible food generators to recover edible food waste.⁴⁹ In sections of the code that implement other related requirements, the city also specifically acknowledges the issue of "donation dumping" mentioned in the overview for this section. It takes the tack of requiring food recovery organizations to either use the Model Food Recovery Agreement developed by California's Department of Resources Recycling and Recovery (CalRecycle), which addresses "dumping," or to include a notice that donation dumping is prohibited in their contracts with commercial edible food generators. It also imposes requirements for food recovery organizations to provide "documentation that all redistribution sites which are not themselves food recovery organizations to which they deliver edible food have a feeding or redistribution program in place to distribute, within a reasonable time, all the edible food they receive."⁵⁰ Interestingly, this approach seems, at least facially, to put much of the onus of mitigating dumping on food recovery organizations, rather than on commercial businesses that produce edible food waste. Many other California cities have adopted this approach.⁵¹

Another example of a recent law that identifies both food access and food waste reduction goals is a 2020 amendment to the **New York City** Charter, which required the city's Office of Food Policy to formulate a comprehensive 10-year food plan that includes recommendations on reducing hunger, improving nutrition, increasing access to healthy food, and reducing food waste, among other things. It also requires the office to provide a progress report and updates to the plan at least every two years.

This law is innovative in that it addresses food waste reduction and food access goals in the same piece of law⁵² and requires city government food systems planning through legislation. Local government food systems planning has increased since the early 2000s,⁵³ but has not typically been required by legislation which makes this particularly unique.⁵⁴

The result of the charter amendment was the Food Forward NYC plan, which was first published under the then mayor, Bill de Blasio,⁵⁵ and subsequently updated under the leadership of Mayor Eric Adams. As directed by the amendment, it addresses food access and food waste reduction goals, and even includes strategies that intersect with both of those goals. One is a strategy to "explore ways to make cold storage locations more energy efficient" to support an affordable food supply chain and "reduce food waste by keeping items fresher for longer." A second is a strategy to "launch a public housing food leadership innovation lab" to formalize efforts to activate projects at various intersections, including food access and food waste.⁵⁶



LOOKING AHEAD

Policy Opportunities to Support Recent Priorities

The policy themes covered above were identified by reviewing policies passed between January 2020 and June 2022 and may or may not be predictive of the types of policymaking we can expect to see going forward. A [2021 report](#) from the John Hopkins Center for a Livable Future's Food Policy Networks (FPN) project does provide some insight into where food policy councils are directing their energy.⁵⁷ In communities where food policy councils are active and influential, it is reasonable to expect that their priorities may guide and influence local governments' future policymaking.

The FPN project's 2021 report describes the results of a survey of food policy councils regarding their top policy priorities in 2020. Not surprisingly, the report identifies healthy food access and anti-hunger/anti-poverty as the top areas of policy priority identified by the FPN team since they began asking food policy councils to report policy priorities in 2014. In addition, the report notes a renewed interest in food production and transportation and distribution, and a growing interest in food labor policy. From these priorities certain policy strategies may become more prevalent in the future, including the three described below.

Example Strategies that Align with Recent Food Policy Council Priorities

These strategies are listed separately from the themes identified in our research above because they relate to areas of opportunity, rather than a summary of what we have seen in recent policymaking. They each align with at least one of the food policy council priority themes noted above and show promise as areas of focus in the near future. The accompanying policy examples and strategies, included for illustration, may serve as a starting point for future policymaking. However, they are not necessarily the best or the only ways of carrying out the listed strategies.⁵⁸

■ **Requiring local government contracts to follow values-based procurement standards to support labor rights and other priorities.**

This may be accomplished, for example, through executive orders or local legislation, potentially by adopting from and expanding on prior policy examples in places such as [Boston, Massachusetts](#),⁵⁹ and New York City.⁶⁰ Such procurement policies may be used, for example, to address factors such as labor rights and healthy food requirements, and to leverage small-purchase contracting flexibilities to support local food producers.

■ **Creating pathways for mobile markets and other flexible retail models to address distribution and transportation barriers to healthy food access.**

Mobile and other flexible retail food operations often encounter local government laws designed for other types of activities—such as selling prepared food from food trucks or selling food from festival food stands—that don't perfectly contemplate or support them. Going forward, localities may wish to follow examples out of communities such as Wyandotte County/Kansas City, Kansas,⁶¹ to create streamlined zoning and permitting laws written expansively so that they encompass activities like pop-up farmers markets, produce carts, and other emerging or yet-to-be developed models.

■ **Supporting land access for food production, especially for low-income areas and communities of color.**

This may be done through a variety of measures, including making public land available for gardening and farming;⁶² financially supporting land acquisitions, leases, and operating expenses;⁶³ or using models such as land banks⁶⁴ and conservation easements, including in priority areas.⁶⁵ Another related option includes zoning for urban agriculture, including reducing zoning barriers to year-round accessory growing structures that can lengthen the growing season, especially in colder climates, and thereby increase the functional availability of land.⁶⁶

In addition to the examples above that are built on the observations of the FPN team, the Healthy Food Policy Project team's observations of recent conference themes and other relevant discussions lead us to expect policy-oriented groups to move away from working toward policies that rely on solving problems within broken structural landscapes—formed by historically discriminatory policy and practice—toward broader systems thinking and toward reforming food systems entirely.⁶⁷



For more examples of policies addressing urban agriculture zoning, see [Zoning for Urban Agriculture: A Guide for Updating Your City's Laws to Support Healthy Food Production and Access](#).

Looking for evidence-informed policies?

In addition to searches in databases such as Google Scholar for reputable research with evidentiary findings regarding the efficacy of various policy strategies, we highly recommend review of the findings summarized for [diet-related strategies](#) found in the [What Works for Health](#) section of the County Health Rankings website.



CONCLUSIONS & RECOMMENDATIONS

As policymakers, food policy councils, community groups, and advocates continue to identify ways to improve healthy food access in their communities, they should look to successful examples, but continue to innovate. This work should be led and informed by community voices with lived experience and those who are most impacted by limited food access. Where possible, communities should seek data and evidence to understand which policy strategies may be most effective at achieving their goals, and also consider what refinements and new approaches may be needed for future policy efforts. After enactment and implementation, they should frequently evaluate the impacts of these laws and policies to determine their effectiveness.

Local government offices—such as economic development, planning, public health, and sustainability departments—should work cooperatively to address intersecting food policy goals and to leverage their combined influence to increase healthy food access and related goals. One way to elevate, support, and coordinate this work is to create an official staff or cabinet position dedicated to coordinating local government food policy action, as several localities have already done.⁶⁸ That role can also be used to ensure that the voices of those who stand to be most impacted by food policy change are elevated and that authentic resident engagement drives and guides policy development.⁶⁹

Learn More

For more information, visit the [Healthy Food Policy Project](https://HealthyFoodPolicyProject.org) website.

The project includes the largest collection of local legislative and administrative policies related to healthy food access in the United States—including many related to strategies not covered here.

ENDNOTES

- 1 *Chronic Health Conditions: Federal Strategy Needed to Coordinate Diet-Related Efforts*, Gov't. ACCOUNTABILITY OFF. 17 (Aug. 2021), <https://www.gao.gov/assets/gao-21-593.pdf>.
- 2 See *White House Conference on Hunger, Nutrition, and Health*, U.S. DEPT. OF HEALTH & HUMAN SERVS., <https://health.gov/our-work/nutrition-physical-activity/white-house-conference-hunger-nutrition-and-health> (last visited Mar. 27, 2023); Christian A. Gregory & Alisha Coleman-Jensen, *Food Insecurity, Chronic Disease, and Health Among Working-Age Adults*, USDA (July 2017), https://www.ers.usda.gov/webdocs/publications/84467/err-235_summary.pdf?v=0 ("lower food security is associated with higher probability of each of the chronic diseases examined—hypertension, coronary heart disease (CHD), hepatitis, stroke, cancer, asthma, diabetes, arthritis, chronic obstructive pulmonary disease (COPD), and kidney disease. Food security status is also strongly related to the likelihood of chronic disease in general.").
- 3 See, e.g., *Food Policy*, JOHN HOPKINS, <https://www.foodsystemprimer.org/food-policy/> (last visit Mar. 27, 2023); see also *State Policy Options to Increase Access to Healthy Food*, HEALTHY FOOD POL'Y PROJ., <https://healthyfoodpolicyproject.org/key-issues/state-policy-options-to-increase-access-to-healthy-food> (last visited Mar. 27, 2023).
- 4 Nevin Cohen & Rositsa T. Ilieva, *Expanding the Boundaries of Food Policy: The Turn to Equity in New York City*, CUNY GRADUATE SCH. OF PUBL. HEALTH & HEALTH POL'Y (Nov. 26, 2020), https://academicworks.cuny.edu/cgi/viewcontent.cgi?article=1306&context=sph_pubs.
- 5 For purposes of the Healthy Food Policy project, we define food accessibility inclusively, such that we mean that "food is accessible when it is affordable and community members can readily grow or raise it, find it, obtain it, transport it, prepare it, and eat it." *These Definition are Helpful are Helpful When Discussing Healthy Food Policies*, HEALTHY FOOD POL'Y PROJ., <https://healthyfoodpolicyproject.org/about/key-definitions> (last visited Mar. 27, 2023).
- 6 To date we have analyzed nearly 500 laws for inclusion in the general Healthy Food Policy Project database, with some still pending upload, and over 180 more for the Healthy Food Policy Project COVID-19 Index. We have also reviewed numerous other policies during our searches and scans that we have not included in the database.
- 7 See, e.g., MIAMI-DADE COUNTY, FLA., CODE OF ORDINANCES § 8B-17 (2006); PARISH OF ALLEN, LA., CODE OF ORDINANCES art. VII (1999); but see, e.g., DES PERES, MO., CODE OF ORDINANCES § 7-3 (a)(1)h (1980) (noting historical notes indicating the code language has been in place since at least 1980).
- 8 *Local Government Policies to Support Food Access During the COVID-19 Pandemic – An Index*, HEALTHY FOOD POL'Y PROJ., <https://healthyfoodpolicyproject.org/resources/index-of-local-government-policies-for-to-support-food-access-during-the-covid-19-pandemic> (last visited Mar. 28, 2023); *Emerging Themes From the Healthy Food Policy Project's COVID-19 Food Access Municipal Policy Index*, HEALTHY FOOD POL'Y PROJ., <https://healthyfoodpolicyproject.org/municipal-policies-to-support-food-access-during-emergencies> (last visited Mar. 28, 2023).
- 9 Jason K. Tiller, *Saline County Safer at Home Order*, KSAL (Mar. 27, 2020), <https://www.ksal.com/wp-content/uploads/2020/03/Saline-County-Safer-at-Home-Order.pdf> (noting specific sections 1(f)(i), (iv), (xv), and 2(c)).
- 10 *Mayors Emergency Order #5*, CNTY. OF KAUA'I OFF. OF THE MAYOR (Apr. 7, 2020), https://www.scribd.com/document/455742177/Mayor-s-Emergency-Rule-5-AMENDMENT-3-04-08-20#from_embed.

- 11 *Order of the Mayor: Guidelines for Retail and Grocery Stores*, CITY OF MOBILE (Apr. 1, 2020), <https://www.cityofmobile.org/uploads/200401024020RetailandGrocerOrder040220.pdf>.
- 12 *Legislation Text*, CITY OF MADISON (Apr. 25, 2022), <https://madison.legistar.com/ViewReport.ashx?M=R&N=-Text&GID=205&ID=3917213&GUID=DD46E660-610E-4895-AF37-992CD25F0EFF&Title=Legislation+Text>.
- 13 L.A. CNTY., CAL., CODE OF ORDINANCES, ch. 8.09.010 (2020).
- 14 BOISE, IDAHO, CODE OF ORDINANCES § 1-15-7(E) (2020).
- 15 LINCOLN, NEB., MUNICIPAL CODE ch. 9.50 (2020); LINCOLN, NEB., MUNICIPAL CODE ch. 9.60 (2021).
- 16 See OAKLAND, CAL., CODE OF ORDINANCES § 2.29.170 (2017) (noting that this law established a “Race and Equity Department” to intentionally integrate, on a citywide basis, the principle of “fair and just” in all the city does in order to achieve equitable opportunities for all people and communities. The law specifically identifies “food systems that support local food production and provide access to affordable, healthy, and culturally appropriate foods for all people” as a determinant of equity.).
- 17 The observation regarding the general operation of older laws versus more recent examples, is generally supported by a July 13, 2022 scan of results of municipal code search in LexisNexis, Lexis+ platform (allows simultaneous search of over 3,200 municipal codes across all 50 states) to identify recent and past food access laws using specific terminology to describe racial or ethnic groups. See, e.g., LAWTON, OKLA., CODE OF ORDINANCES § 13-1-101 et seq. (1996) (providing earlier examples of more general local government equal rights laws related to food with relevant terminology since at least 1996, regarding for example, equal rights access to places of public accommodation serving food including restaurants, cafeterias, lunchrooms, lunch counters, soda fountains or other facilities); see also MINNEAPOLIS, MINN., CODE OF ORDINANCES § 423.30 (2018).
- Note however, that while there are recent policies with requirements that extend beyond equal rights language, as discussed in the examples below, the use of equal rights laws in laws that address food access in some way has not disappeared. For example, North Carolina’s “Nondiscrimination” law enacted in 2021, builds on prior examples from other jurisdictions, albeit with relatively more precise language to address various protected classes. The law defines “protected class” to include “natural hair style,” in addition to “race,” “color, national origin,” etc. It also prohibits, among other things, discrimination of persons on the basis of their status in a “protected class” in places of public accommodation, including any store or place where food or beverage is sold. It also includes specific requirements for the town manager and the town attorney to include a nondiscrimination provision in town contracts that reflects the town’s policy not to enter into, or maintain a contractual relationship with, any business, entity, or company that discriminates against a protected class. This procurement language could for, example, be used to insure more equitable labor and other standards in contracts for foods and other goods and service purchased by the town. APEX, N.C., CODE OF ORDINANCES CH. 3 (2022).
- 18 INDIANAPOLIS-MARION CNTY., IND., CODE OF ORDINANCES § 202-761–67 (2021).
- 19 PRINCE GEORGE’S CNTY., MD., CODE OF ORDINANCES § 12-215–18 (2020).
- 20 *Executive Order No. 9: Promotion of Healthy Foods in City Publications and in Advertising on City Property*, CITY OF N.Y. OFF. OF THE MAYOR (Feb. 10, 2022), <https://www1.nyc.gov/assets/home/downloads/pdf/executive-orders/2022/eo-9.pdf>.
- 21 *Id.*

- 22 L.A. CNTY., CAL., CODE OF ORDINANCES ch. 13.120 (2021).
- 23 ST. LOUIS, MO., ORDINANCE 71490 (2022); MONTGOMERY CNTY., Md., Bill 1-22 (2022); LONGMONT, COLO., CODE OF ORDINANCES ch. 9.70.030 (2021); GOLDEN, COLO., MUNICIPAL CODE ch. 5.21 (2022); PRINCE GEORGE'S COUNTY, MD., CODE OF ORDINANCES § 12-215–18 (2020); COLUMBUS, OHIO, CODE OF ORDINANCES § 717.01 (2021); NEW ORLEANS, LA., CODE OF ORDINANCES § 82-704 et seq. (2022); CLEVELAND, OHIO, CODE OF ORDINANCES § 241.43 (2021); TOLEDO, OHIO, MUNICIPAL CODE § 1738.01 (2021).
- 24 DAVIS, CAL., MUNICIPAL CODE § 17.02 (2015)..
- 25 *State and Local Restaurant Kids' Meal Policies*, CENT. FOR SCI. IN THE PUBL. INTEREST (June 2022), https://www.cspinet.org/sites/default/files/2022-06/CSPI_chart_local_km_policies_June_2022.pdf; Crystal L. Perez et al., *State and Local Healthy Kids' Meal Laws in the United States: A Review and Content Analysis*, 122(10) J. ACAD. NUTRITION DIET 1864 (2021).
- 26 GOLDEN, COLO., MUNICIPAL CODE ch. 5.21 (2022).
- 27 COLUMBUS, OHIO, CODE OF ORDINANCES § 717.01 (2020).
- 28 PRINCE GEORGE'S CNTY., MD., CODE OF ORDINANCES § 12-215–18 (2020); MONTGOMERY CNTY., MD., Bill 1-22 (2022).
- 29 The first local policy example regulating food offerings we are aware of is a 2018 law passed in Louisville-Jefferson County Metro Government in Kentucky. LOUISVILLE-JEFFERSON CNTY., KY., CODE OF ORDINANCES § 118.08 (2018).
- 30 PRINCE GEORGE'S CNTY., MD., CODE OF ORDINANCES § 12-215–18 (2020) (requiring food service facilities in the county that offer "children's meals" to offer with those meals a healthy default side option and—where a beverage is included as part of the meal—a healthy default beverage too. Such food service facilities must also offer at least one meal that is a "Healthy Children's Meal.").
- 31 See, e.g., *Municipal Policy Options for Healthy Food Access in Stores and Restaurants*, HEALTHY FOOD POL'Y PROJ. (July 18, 2022), <https://healthyfoodpolicyproject.org/key-issues/municipal-policy-options-for-healthy-food-access-in-stores-and-restaurants>.
- 32 Kennedy Smith, *Dollar Store Restrictions*, INST. FOR LOCAL SELF-RELIANCE <https://ilsr.org/dollar-store-restrictions/> (last updated Mar. 23, 2023).
- 33 Michael Waters, *The Small Town That Saved Its Only Grocery Store — By Buying It*, HUSTLE (Sept. 11, 2022), <https://link.thehustle.co/view/5f3c2443c6344e7987022ea6h9fcv.f760/72bf8cbb>.
- 34 Defined as "stores with a wide variety of new merchandise for sale for five dollars or less, limited fresh produce and buildings of less than 15,000 square feet. Examples include but are not limited to Family Dollar General, Dollar Tree, 99 Cent Deals, Five Below, dime stores, or 5 & dime stores." WYANDOTTE CNTY., KAN., CODE OF ORDINANCE No. 0-13-16 (2016).
- 35 See, e.g., NEW BRUNSWICK, OHIO, CODIFIED ORDINANCES ch. 1260.04 (x) (2022); CLAYTON COUNTY, GA., CODE OF ORDINANCES, App. A, § 6.51 (2021); MANVEL, TEX., CODE OF ORDINANCES § 77-50(g)(3) (2020); *Dollar Store Restrictions*, Inst. for Local Self Reliance, <https://ilsr.org/dollar-store-restrictions/> (last updated Jan. 12, 2022); Julia McCarthy et al., *Local Measures to Curb Dollar Store Growth: A Policy Scan*, 14(5) NUTRIENTS 3092 (2022).

- 36 See *New Grocery Stores in Underserved Areas*, Cnty. Health Rankings & Roadmaps, <https://www.county-healthrankings.org/take-action-to-improve-health/what-works-for-health/strategies/new-grocery-stores-in-underserved-areas> (Mar. 30, 2023); but see Ameya Pawar & Paul Williams, *End Food Deserts With Publicly Owned Grocery Stores*, CHI. SUN TIMES (May 9, 2022), <https://chicago.suntimes.com/2022/5/9/23063658/food-deserts-englewood-whole-foods-public-option-for-groceries-ameya-pawar-paul-williams-other-views> (critiquing that “tax subsidies, sales tax abatements, and other giveaways” may have benefits that can sometimes only be temporary).
- 37 Julia McCarthy et al., *supra* note 37 (“there is little research on policies that reduce access to retailers that offer mostly unhealthy food items.”).
- 38 MINNEAPOLIS, MINN., CODE OF ORDINANCES §§ 552.600-552.640 (2020).
- 39 LONG BEACH, CAL., MUNICIPAL CODE § 22.25.020 (2020).
- 40 PRINCE GEORGE’S CNTY., MD., CODE OF ORDINANCES § 10-235.26 (2020).
- 41 S. MIAMI, FLA., LAND DEVELOPMENT CODE § 20-8.3(A)(4) (2020).
- 42 CLAYTON CNTY., GA., CODE OF ORDINANCES, app. A, § 6.51 (2021).
- 43 We have reached out to Erie, Kansas, city administration, but have not been able to locate a copy of the policy instrument that reflects this decision. However, there is coverage of this policy development, and related prior measures in Baldwin, Florida and St. Paul, Kansas in various news sources. See, e.g., Pawar & Williams, *supra* note 38; see also Waters, *supra* note 35.
- 44 See S.B. 1383, 2016 Leg. Reg. Sess. (Cal. 2016) (adding sections 39730.5, 39730.6, 39730.7, and 39730.8 to California’s Health and Safety Code, and Chapter 13.1 (commencing with Section 42652) to Part 3 of Division 30 of the state’s Public Resources Code. Among those sections, is section 42652.5 which directed the Department of Resources Recycling and Recovery to adopt regulations “intended to meet the goal that not less than 20 percent of edible food that is currently disposed of is recovered for human consumption by 2025.” Cal Pub Resources Code § 42652.5(2). In turn, the department promulgated numerous regulations, including California Code of Regulations title 14, sections 18991.1 and 18991.3, Cal. Code Regs. tit. 14, §§ 18991.1, 18991.3).
- 45 PORTLAND, OR., METRO CODE § 5.15 (1983); SEATTLE, WASH., MUNICIPAL CODE § 21.36.082 (2003); AUSTIN, TEX., CODE OF ORDINANCES § 15-6-91(E) (2014).
- 46 *Building Coalitions for Changing the World*, 2022 URBAN FOOD SYSS. SYMPOSIUM, <https://urbanfoodsystems-symposium.org/> (last visited Apr. 6, 2023) (discussing Baltusova Lamoureux’s conference presentation titled, “Towards a New Food Security Paradigm: assets, opportunities, and challenges for urban produce recovery coalitions in California”).
- 47 This observation that this is a “relative innovation” is supported by a Nov. 21, 2022, scan of results of a municipal code search in LexisNexis, Lexis+ platform (allows simultaneous search of over 3,200 municipal codes across all 50 states) to identify laws that address both food access and food waste reduction themes. The scan revealed limited pre-2020 examples outside of the laws discussed below. For example, a 2019 law from Troutdale, Oregon requires business food waste recycling and exempts food that is fit for human consumption and accepted for donation by a charitable organization, but it does not direct or require that donation. See TROUTDALE, OR., CODE OF ORDINANCES § 8.40.025 (2015).
- 48 MANHATTAN BEACH, CAL., CODE OF ORDINANCES § 5.25.050 (2022); see also, e.g., DALY CITY, CAL., CODE OF

- ORDINANCES § 8.80.060 (2021); REDWOOD CITY, CAL., CITY CODE §47.070 (2021); NEWARK, CAL. CODE OF ORDINANCES § 8.40.060(2021).
- 49 REDWOOD CITY, CAL., CITY CODE § 47.070 (2021).
- 50 *Id.* at § 47.080(F)(2)(g), (l).
- 51 See, e.g., BRISBANE, CAL., MUNICIPAL CODE § 8.25.070 (2021); DALY CITY, CAL., CODE OF ORDINANCES § 8.80.070 (2021); E. PALO ALTO, CAL., CODE OF ORDINANCES § 8.32.090 (2021).
- 52 N.Y.C., N.Y., LOCAL LAWS No. 40 (2021); (amending New York, N.Y. City Charter § 20-I directing the office of food policy to formulate a 10-year food policy plan that includes recommendations relating to reducing hunger, improving nutrition, increasing access to healthy food, reducing food waste, developing and improving food and farm economies, and increasing urban agriculture and sustainability in the plan; and to include implementation strategies and benchmarks to measure the city’s progress).
- 53 See Kimberley Hodgson, PLANNING FOR FOOD ACCESS & COMMUNITY-BASED FOOD SYSTEMS, AM. PLANNING ASS’N (Nov. 2012), https://planning-org-uploaded-media.s3.amazonaws.com/publication/download_pdf/Planning-for-Food-Access-and-Community-Based-Food-Systems.pdf (summarizing results of a 2010 American Planning Association survey. Based on the survey, which gathered 888 responses from local governments in the U.S., just 2 percent of respondents indicated that their local government’s comprehensive plan or sustainability plan explicitly addressed an aspect of local or regional food systems).
- 54 D.C. Code § 20-483 is earlier example of a law that contemplates sustainability and food access goals within planning work, though without specifically legislatively directing it or specifically identifying food waste reduction as a priority. D.C. Code § 20-483 (2014).
- 55 See *Food Forward NYC: City Releases 10-Year Food Policy Plan*, CITY OF N.Y. (Feb. 22, 2021), <https://www.nyc.gov/office-of-the-mayor/news/123-21/food-forward-nyc-city-releases-10-year-food-policy-plan>.
- 56 See *Food Forward NYC: A 10-Year Food Policy Plan*, CITY OF N.Y. (Sept. 2022), https://www.nyc.gov/assets/foodpolicy/downloads/pdf/NYC_FoodReport_18_CB_interactive.pdf.
- 57 Raychel Santo, *Pivoting Policy, Programs and Partnerships: Food Policy Councils’ Responses to the Crises of 2020*, Johns Hopkins. *Cent. for a Livable Future* (Apr. 2021), https://assets.jhsph.edu/clf/mod_clfResource/doc/FPC%202020%20Census%20Report_updated.pdf.
- 58 The following bulleted example strategies are drawn from communications with the FPN team including Anne Palmer, Karen Bassarab, Raychel Santo, and Darriel Harris, with illustrative/explanatory language developed by the author of this resource.
- 59 Boston, Mass., Ordinance No. 0139 requires “city departments and agencies requiring procurement or service contracting of foods” to “adopt Good Food Purchasing Standards as a framework for guiding values driven purchasing.” Values that are recognized by the ordinance as part of the Good Food Purchasing Standards include support for small and mid-sized agricultural and food processing operations; support for producers that employ sustainable production systems; protection of workers’ rights; paying farmers a fair price for their products; healthy and humane care for farm animals; and promoting health and well-being by offering “generous portions of vegetables, fruit, and whole grains; reducing salt, added sugars, fats and oils; and by eliminating artificial additives.” *Boston, Mass., Ordinance No. 0139 (Mar. 13, 2019)*, HEALTHY FOOD POL’Y PROJ., <https://healthyfoodpolicyproject.org/policy/boston-mass-ordinance-no-0139-mar-13-2019> (last visited Mar. 30, 2023).

- 60 New York, N.Y. Exec. Order No. 8 directs the Department of Health and Mental Hygiene and the Mayor's Office of Food Policy (MOFP) to create revised City Agency Food Standards "for all meals or food supplies that are purchased, prepared or served in agency programs or other relevant settings" by April 1, 2022, and at least every three years thereafter. It also directs the MOFP to establish a "Good Food Purchasing Program" and establishes that a goal for that program is to study and publish data on an annual basis that "provides transparency about how mayoral agencies' procurements impact core values relating to local economies, environmental sustainability, valued workforce, animal welfare, and nutrition affecting the health of all New Yorkers." *Commitment to Health and Nutrition Food Standards and Good Food Purchasing*, CITY OF N.Y. (Feb. 20, 2022), <https://www.nyc.gov/office-of-the-mayor/news/008-002/executive-order-8>.
- 61 See WYANDOTTE CNTY., KAN., CODE OF ORDINANCE No. O-42-20 (2020) ("expanding the ability of farmers markets, mobile vending, and mobile markets to sell food, drinks and merchandise on public rights-of-way and parking lots.").
- 62 See, e.g., SEATTLE, WASH., CODE § 3.35.060 (2004) (specifying that the Director of Neighborhoods is authorized, to enter into, renew, modify and administer leases and agreements to lease any city-owned property in the City of Seattle for use as P-Patch community gardens or for similar open space use).
- 63 See e.g., *id.* (authorizing the Director of Neighborhoods to adopt policies regarding the income levels eligible for waivers or reduced fees for garden leases); see also METRO. GOV'T OF NASHVILLE & DAVIDSON CNTY., TENN., CODE OF ORDINANCES tit. 2, div. VI, ch. 2.224 (2013) (creating a program for nonprofits for use to create school or community gardens for the benefit of children or seniors).
- 64 See, e.g., KANSAS CITY, MO., CODE OF ORDINANCES ch. 74, art. IV, § 74-70 et seq. (establishing a land bank and creates a land bank agency for the purpose of managing, selling, transferring and disposing of interests in real estate for various specified uses, which include, among other things, "urban agriculture, community gardens, or other similar uses consistent with healthy eating by residents, including restoring ground through alternative vegetative cover to build-back the soil for future use for food production.").
- 65 See, e.g., CARPINTERIA, CAL., CODE OF ORDINANCES § 14.41.030 (2015) (establishing development requirements for the City's "Whitney Site Overlay District," including a goal of minimizing impacts on agricultural land and preserving the 4-acre remainder for agricultural uses such as organic farming, community gardening and agriculture education through transfer of the land to the city with an agricultural conservation easement. It also requires that the impact of additional agricultural land lost as a result of the development of the overlay district be off-set by creation of an agricultural preservation program that must be funded by the developer to allow the City to accomplish certain minimum goals including, e.g., installation of physical infrastructure for community garden plots, drafting of an agreement for a children's project garden, funding for vegetable cultivation curriculum for first through eighth grade students, and community education related to gardening and cooking with fresh produce).
- 66 See, e.g., FAYETTE CNTY., GA., CODE OF ORDINANCES § 110-79 (2020) (allowing permanent greenhouses as accessory structures in all residential zoning districts).
- 67 This may involve, for example, addressing nutrition security as a right and working from that principal. Although not a local government, withing the United States and its territories, Puerto Rico is leading the way in some of this thinking. It recognizes "the right of every person to a standard of living adequate for the health and well-being of himself and of his family, and especially to food, clothing, housing and medical care and necessary social services." See P.R. CONST. art. II, § 20. Less expansively, the city of Athens, Ohio, recognizes a right to potable water. See ATHENS, OHIO, CODE OF ORDINANCES § 97.01.04(A)–(B) (2018). There are also, for example, several towns/cities/villages in Maine which have food sovereignty ordinances, including some that include specific "right to access" food language. See e.g., MADISON, ME., CODE OF ORDINANCES ch. 245 (2016). While those local laws are imperfect, fraught with historical tension, and subject to legal challenge, they are interesting models that may perhaps be adapted and improved upon.

- 68 See e.g., N.Y.C., N.Y., LOCAL LAW No. 41 (2016) (directing the Mayor to establish an office of food policy with a director, explained more detail in the next footnote); see also INDIANAPOLIS-MARION CNTY., IND., CODE OF ORDINANCES § 202-762 (2021) (directing the office of public health and safety to appoint an administrator for the division of community nutrition and food policy to e.g., “coordinate city-county government and government facility policies, programs and initiatives on matters related to food insecurity, food access, food procurement and food equity). Another example comes from Minneapolis, Minnesota. It’s Homegrown Minneapolis initiative supports and staffs the City’s food policy council, and brings together “key partners from local government, area businesses, community organizations, non-profits, and residents to build a healthy, local food system.” See *Homegrown Minneapolis*, CITY OF MINNEAPOLIS, <https://www2.minneapolismn.gov/government/programs-initiatives/homegrown-minneapolis/> (last updated Mar. 15, 2023) (providing details about the initiative). The office is staffed by a program manager. See *Homegrown Minneapolis Food Council Agenda*, CITY OF MINNEAPOLIS (June 8, 2022), <https://lims.minneapolismn.gov/Board/Agenda/HMFC/3272>.
- 69 New York City provides an example of a city with an official policy to establish role that encompasses these types of coordinating and outreach aspects. Specifically, the city amended its charter to direct the mayor to establish an office of food policy, and to appoint a director charged with duties including “coordinat[ing] multi-agency initiatives relating to food policy” and “perform[ing] outreach to food policy advocates, community based organizations, academic institutions, and other entities to advance the city’s food policy.” N.Y.C., N.Y., LOCAL LAW No. 41 (2016).