

**Municipal Policies to Support Food Access During Emergencies:  
Emerging Themes from the Healthy Food Policy Project’s COVID-19 Food Access**

**Municipal Policy Index**

*By Rachel Lantz, with support from other contributors to the Healthy Food Policy Project (HFPP), including Amanda Karls, Claire Child, Lihlani Nelson, Rebecca Hare, Sally Mancini, and Whitney Shields. HFPP is a collaboration between the Center for Agriculture and Food Systems at Vermont Law Schools (CAFS), the Public Health Law Center (PHLC) at Mitchell Hamline School of Law, and the Rudd Center for Food Policy and Obesity at the University of Connecticut. HFPP is funded by the National Agricultural Library, Agricultural Research Service, U.S. Department of Agriculture.*

**I. INTRODUCTION**

The COVID-19 pandemic has created a public health emergency throughout much of the world, including in the United States. During the pandemic, people’s ability to access affordable, healthy food has been impaired by supply chain and price disruptions; safe accessibility concerns at stores, food pantries, and other outlets; food affordability given rising unemployment rates; barriers to food program participation; and closure of schools and other venues where people typically participate in meal services. While some food access challenges are best addressed through federal, state, or private sector interventions, local governments—including cities, towns, and counties—are often uniquely positioned to understand food access needs in their communities and can use a variety of policy tools to address these needs.<sup>1</sup>

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<sup>1</sup> The HFPP team has defined that “[f]ood 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*

Throughout the first several months of the pandemic, the Healthy Food Policy Project (the Project) team gathered numerous examples of formal local government policies that were passed or ordered to accelerate, prioritize, or facilitate food access through efforts that exceed ordinary, non-emergency policies. We catalogued many such policies in the Project's [COVID-19 Food Access Municipal Policy Index](#).<sup>2</sup> In doing so, we have especially focused on elevating examples that prioritize health and equity considerations. This blog post summarizes recurring themes we found through our research.

While the Project team has taken extensive measures to search for food access policies enacted and ordered throughout municipalities across the country, given certain search limitations, we cannot be certain to have identified all relevant formal municipal policies.<sup>3</sup> Therefore, this resource and the index are not necessarily comprehensive in coverage.

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*Definitions are Helpful when Discussing Healthy Food Policies*, HEALTHY FOOD POL'Y PROJECT, <https://healthyfoodpolicyproject.org/about/key-definitions> [<https://perma.cc/VS4Z-5KDE>] (last visited Feb. 16, 2021).

<sup>2</sup> *Local Government Policies to Support Food Access During the COVID-19 Pandemic - An Index*, PUBLIC HEALTH LAW CENTER, <https://healthyfoodpolicyproject.org/resources/index-of-local-government-policies-for-to-support-food-access-during-the-covid-19-pandemic> [<https://perma.cc/2GFL-KLLJ>].

<sup>3</sup> To identify formal municipal policies (written laws, regulations, executive orders, and organizational policies formally adopted or passed by a government entity, i.e., ordinances, resolutions, codified laws, and administrative policies), the Team has split up the United States into smaller regions, combed through city and county websites, and identified whether applicable

## II. EMERGING THEMES

Several common themes emerged during our research for the COVID-19 Policy Index.<sup>4</sup> These themes provide insight into the types of policies municipalities are using to address food accessibility. These themes generally correspond to the categories used in the index at the time of this writing, but those categories remain somewhat fluid and are subject to future revision as we find additional policies that may not neatly fit the categories we have identified thus far.

### A. *Food Assistance Funding, Support, and Directives*

COVID-19 has disrupted longstanding meal service programs especially for children, seniors, and people with disabilities.<sup>5</sup> Changes in meal services, such as Meals on Wheels and

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policies exist. The Team is also identifying applicable policies by following leads from news reports and suggestions. However, relevant or complete policies are not always accessible, up-to-date, or may not be recorded online.

<sup>4</sup> See PUBLIC HEALTH LAW CENTER, *supra* note 2.

<sup>5</sup> See Caroline G. Dunn, et al., *Feeding Low-Income Children during the Covid-19 Pandemic*, NEW ENG. J. OF MED. (Apr. 30, 2020), <https://www.nejm.org/doi/full/10.1056/NEJMp2005638>. [<https://perma.cc/VH98-2VHC>] (finding that the COVID-19 pandemic has prevented children from receiving school meals, which disproportionately disadvantages children from low-income families); see *Helping Older Adults Struggling Against Hunger Access Food in the Age of COVID-19*, FOOD RSCH. & ACTION CTR. (May 2020), <https://frac.org/wp-content/uploads/FRAC-Brief-Helping-Older-Adults-Struggling-Against-Hunger-Access-Food-in-the-Age-of-COVID-19.pdf> [<https://perma.cc/T6WH-STE7>] (finding that the COVID-19

school meals have been addressed, to some extent, through stop-gap measures like the Pandemic EBT program and other federal meal program flexibilities.<sup>6</sup> Municipalities are supplementing these efforts by allocating funding to provide food to individuals or families, or with financial benefits—like gift cards—to support food purchases. To fund these efforts, local governments have leveraged a variety of funding streams.

Many have relied on funding from the Coronavirus Aid, Relief, and Economic Security (CARES) Act.<sup>7</sup> Municipalities have allocated CARES Act funding to directly assist local distribution efforts, support existing food banks and delivery programs, and improve food distribution infrastructure. For example, Hennepin County in Minnesota allocated two million dollars to food distribution and delivery efforts.<sup>8</sup> Likewise, the Metropolitan Council of Nashville and Davidson County directed 2.5 million dollars of CARES Act funding to the Second Harvest

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pandemic has disrupted many programs seniors rely on for meals); *Millions with Disabilities Cannot Get Food*, RESPECTABILITY (April 10, 2020), <https://www.respectability.org/2020/04/millions-with-disabilities-cannot-get-food/> (noting that the COVID-19 pandemic has prevented many with disabilities from accessing food safely).

<sup>6</sup> See generally USDA FOOD AND NUTRITION SERV., *FNS Responds to COVID-19*, <https://www.fns.usda.gov/coronavirus> [<https://perma.cc/GHG6-DVVQ>] (last visited Jan. 25, 2021) (discussing the ways USDA has assisted with nutrition programs).

<sup>7</sup> See CARES Act, S. 3548, 116th Cong. (2020). The CARES Act was passed on March 27, 2020 and all funds must be spent by Dec. 31, 2020. *Id.*

<sup>8</sup> Hennepin Cty., Minn., Comm’rs Res. 20-0246 (Jun. 23, 2020).

Food Bank of Middle Tennessee to distribute food to all persons in need due to COVID-19, including those unable to provide a social security number.<sup>9</sup>

Other municipalities have used CARES funding to create local food distribution infrastructure. For example, Dekalb County, Georgia, invested 2.8 million dollars to create a mobile farmers' market van paired with a wellness clinic.<sup>10</sup> While CARES funding is time limited, this investment in a mobile van will continue to serve the community even as emergency needs wane.

Some municipalities have relied on community grants. For example, Dekalb County, Georgia accepted and distributed a grant from a regional commission to provide meals for seniors placed on a waitlist for food assistance.<sup>11</sup> Others created new funding with private donations. In San Francisco, a city controller was authorized to accept private donations to create a fund for food access without interference from local laws.<sup>12</sup> In Seattle, a COVID-19 donation fund was created to collect and distribute grants for those in need, including funds for food assistance.<sup>13</sup>

Finally, some jurisdictions have relied on general funds or existing special funds. For example, Atlanta, Georgia, directed one million dollars to child food programs and one million

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<sup>9</sup> Metro. Gov't. of Nashville and Davidson Cty., Tenn., Res. RS2020-500 (Aug. 19, 2020).

<sup>10</sup> DeKalb Cty., Ga., Res. No. 2020-1094 (Oct. 13, 2020).

<sup>11</sup> Dekalb Cty., Ga., Res. No. 2020-0444 (May 12, 2020).

<sup>12</sup> *See* San Francisco, Cal., Ninth Supplement to Mayoral Proclamation Declaring the Existence of a Local Emergency, § 2 (April 10, 2020).

<sup>13</sup> Seattle, Wash., Ord. No. 126062, §§ 2–3 (April 1, 2020).

dollars to senior food programs from previously undirected general funds.<sup>14</sup> Columbus, Ohio, directed funds from its general fund to be deployed for food security and other human service emergency needs.<sup>15</sup> Madison, Wisconsin, allocated fifty thousand dollars from a Miscellaneous Appropriation fund to partner with designated groups that are funding grocery boxes and home-delivered meals.<sup>16</sup>

A unique strategy in Seattle leverages an existing fund to address emergency food access. Specifically, the city allocated five million dollars from its sweetened beverage tax fund to the Office of Sustainability and Environment for the purpose of creating a grocery voucher program to support low-income families facing food insecurity.<sup>17</sup> The program prioritizes populations such as immigrants, refugees, seniors, individuals with disabilities, and workers displaced because of the emergency.<sup>18</sup> In a different grocery card program, Miami approved distributing \$3,554,000 in the form of \$250 grocery gift cards, in a disbursement method proportionate to the city's anti-poverty initiative percentages.<sup>19</sup>

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<sup>14</sup> Atlanta, Ga., Exec. Ord. 2020-06 (Mar. 15, 2020).

<sup>15</sup> Columbus, Ohio, Ordinance 0738-2020 (Mar. 18, 2020).

<sup>16</sup> Madison, Wis., Res-20-00293 (April 28, 2020).

<sup>17</sup> Seattle, Wash., Ordinance 126063 (Apr. 1, 2020).

<sup>18</sup> *See id.*

<sup>19</sup> Miami, Fla., Res. R-20-0362 (Nov. 18, 2020). Miami has enacted the “Anti-Poverty Initiative” Program which allocates funds to commission districts based on rates of poverty. *See Anti-Poverty Initiative Program*, CITY OF MIAMI

In addition to identifying and leveraging funding streams, some municipalities have found other ways to direct or support food assistance measures, including ensuring food program sites can continue to operate amid other closures.<sup>20</sup> Some even required meal service programs—outside of federal meal programs—to continue service.<sup>21</sup> Largely, these policies focus on programs, like Meals on Wheels, for seniors and people with disabilities to ensure these priority populations are able to receive meals.<sup>22</sup>

*B. Laws that Address Language Barriers & Other Food Security and Access Disparities Among Racial and Ethnic Groups*

The COVID-19 pandemic has disproportionately affected Black and indigenous people and other people of color (BIPOC) for a variety of reasons, including discrimination and systemic barriers to equitable healthcare, employment, and housing options.<sup>23</sup> These issues have

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<https://www.miamigov.com/Government/Departments-Organizations/Grants-Administration/Anti-Poverty-Initiative> [<https://perma.cc/4GSF-49RK>].

<sup>20</sup> *See infra* Section II.E.

<sup>21</sup> Fresno, Cal., Ordinance No. 2020-010 (Mar. 19, 2020); Atlantic Cty, N.J., Exec. Ord. No. 2020-01, § 5 (Mar. 16, 2020).

<sup>22</sup> *See* Fresno, Cal., Ordinance No. 2020-010 (Mar. 19, 2020); Atlantic Cty, N.J., Exec. Ord. No. 2020-01, § 5 (Mar. 16, 2020).

<sup>23</sup> *See* CTRS. FOR DISEASE CONTROL, *Health Equity Considerations and Racial and Ethnic Minority Groups*, (July 24, 2020), <https://academic.oup.com/cid/advance-article/doi/10.1093/cid/ciaa815/5860249>.

compounded the effects of COVID-19, including food insecurity.<sup>24</sup> Besides hunger, disparities in access to nutritious foods have heightened other health risks for migrant workers, immigrants, refugees, and other BIPOC communities which experience disproportionately high rates of chronic illnesses such as diabetes, hypertension, and asthma.<sup>25</sup>

Municipalities should consider these and other factors when creating policies for community food access. Some examples of equity considerations in local government food access policy have emerged during the pandemic. For example, some municipalities are addressing communication barriers by ensuring that information about food programs is delivered in a variety of languages. In Fresno, California, an ordinance was amended to require information about emergency food programs to be translated into Spanish, Hmong, and Punjabi.<sup>26</sup> Seattle's grocery voucher program prioritizes

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<sup>24</sup> Danielle X. Morales, et al., *Racial/Ethnic Disparities in Household Food Insecurity During the COVID-19 Pandemic: A Nationally Representative Study*, J. OF RACIAL AND ETHNIC HEALTH DISPARITIES (Oct. 2020).

<sup>25</sup> Elise Gould & Valerie Wilson, *Black Workers Face Two of the Most Lethal Preexisting Conditions for Coronavirus—Racism and Economic Inequality*, ECONOMIC POL'Y INST. (June 1, 2020), <https://www.epi.org/publication/black-workers-covid/> [<https://perma.cc/HZ97-M9AV>] (see Figure L); Don Bambino Geno Tai et al., *The Disproportionate Impact of COVID-19 on Racial and Ethnic Minorities in the United States*, 72 CLINICAL INFECTIOUS DISEASES 703 (2020). (“[T]here is often less access to healthy foods, which makes chronic disease management more difficult.”).

<sup>26</sup> Fresno, Cal., Ord. No. 2020-010 (Mar. 19, 2020).



food funding support to immigrants and refugees.<sup>27</sup> Additionally, Nashville and Davidson County in Tennessee have ensured funds will be used for food disbursement, regardless of whether a beneficiary is able to provide a social security number.<sup>28</sup> In Minneapolis, Minnesota, city staff undertook a racial equity impact analysis to inform city council members in deciding whether to accept a grant and appropriate funds to the city health department for food distribution services.<sup>29</sup> The staff found that the grant would directly support 300–600 majority Latinx and BIPOC community members weekly with emergency food and supplies in an “area over-burdened with poverty, unemployment, food insecurity and environmental justice challenges.”<sup>30</sup>

C. *Food Pricing, Supply Chain, and Rationing Laws*

Emergencies can incite panic-buying of goods, leading to supply shortages, price increases, and even price gouging practices; the COVID-19 pandemic is no exception.<sup>31</sup> Other disruptions,

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<sup>27</sup> Seattle, Wash., Ordinance 126063, § 5 (Apr. 1, 2020).

<sup>28</sup> Metro. Gov’t of Nashville and Davidson Cty, Tenn., Res. RS2020-500 (Aug. 19, 2020).

<sup>29</sup> Minneapolis, Minn., File No. 2020-01088 (Nov. 19, 2020) (includes Council Action No. 2020A-0851 and Res. No. 2020R-336).

<sup>30</sup> See Tamara Downs-Schwei & Mariano Espinoza, *Minnesota COVID Food Fund grant for food distribution services during COVID-19 Pandemic – REIA (COVID)*,

<https://lims.minneapolismn.gov/File/RacialEquity/6925>

[<https://perma.cc/7WXE-26WE>].

<sup>31</sup> See S.M. Yasir Arafat et al., *Psychological Underpinning of Panic Buying During Pandemic (COVID-19)*, PSYCHIATRY RSCH. 289 (2020).

such as worker illness and food processing plant outbreaks, wreak havoc on the supply chain.<sup>32</sup> Municipalities are counteracting the consequences of these behaviors and disruptions by addressing food pricing, distribution, and supply controls. These include laws that protect, direct, or control distribution, pricing, supply, allocation, or rationing of food.

In some cases, municipalities activated pre-existing emergency price gouging ordinances, or created similar ordinances, to prevent food-related businesses from increasing the prices of essential items or food delivery services.<sup>33</sup> Some localities also required grocery stores to control

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<sup>32</sup> See Peter Waldman, Lydia Mulvany, & Polly Mosendz, *Cold, Crowded, Deadly: How U.S. Meat Plants Became a Virus Breeding Ground*, BLOOMBERG BUSINESSWEEK (May 7, 2020), <https://www.bloomberg.com/news/features/2020-05-07/coronavirus-closes-meat-plants-threatens-food-supply> [<https://perma.cc/956N-YPUE>] (noting that meat plants were a hot spot for COVID-19 outbreaks, but because President Trump’s Executive Order defined plants as essential they were required to remain open); see also Hallie Casey, *COVID-19 and the U.S. Food Supply Chain: What Happened?*, SUSTAINABLE FOOD CTR. (Aug. 12, 2020) <https://sustainablefoodcenter.org/latest/blog/covid-19-and-the-us-food-supply-chain-what-happened> [<https://perma.cc/T8DQ-6QE4>] (discussing case studies on the supply chain for pork, milk, and potatoes during the pandemic).

<sup>33</sup> *Compare* Thousand Oaks, Cal., Res. No. 2020-10, item 6 (Mar. 17, 2020) (Thousand Oaks activated an existing section of their Municipal Code) *with* El Paso, Tex., Emergency Ordinance Instituting Emergency Measures Due to A Public Health Emergency (Mar. 17, 2020) (El Paso created an Emergency Ordinance that implements price controls). See also Tarrant Cty., Tex., Exec. Ord. of Cty. Judge B. Glen Whitney, item 14(a)–(b) (Mar. 27, 2020); S.F., Cal., Ninth

the amount of essential supplies purchased by each household to discourage hoarding.<sup>34</sup> Municipalities also granted authority to the mayor or other local government actors to distribute food or funds to impacted individuals and families, while suspending local laws that would impede this purpose.<sup>35</sup>

*D. Government Food Purchasing Measures*

During emergencies like the pandemic, local governments may consider directly providing food to community members. This may require laws that allow or direct local government actors to either directly procure food or facilitate in the procurement process.

Although the Project team has sought to find policies that utilize this strategy, our ongoing search has yielded limited results to date. However, we have found municipalities enacting emergency orders that suspend compliance with standard contracting requirements in order to facilitate local government food purchases.<sup>36</sup> For example, in Columbus, Ohio, an ordinance was

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Supp. to Mayoral Proclamation Declaring the Existence of a Local Emergency, § 1 (April 10, 2020); Bexar Cty, Tex., Exec. Ord. NW-05 § 9 (April 6, 2020).

<sup>34</sup> Kaua'i Cty, Haw., Mayor's Emergency Rule No. 5, Amend. No. 3 (Apr. 8, 2020).

<sup>35</sup> S.F., Cal., Ninth Supp. to Mayoral Proclamation Declaring the Existence of a Local Emergency, § 2 (April 10, 2020); Severance, Col., Ordinance No. 2020-05, § 6(d) (Mar. 24, 2020).

<sup>36</sup> Atlantic Cty., N.J., Exec. Ord. No. 2020-01, § 11(b) (Mar. 16, 2020); Tioga Cty., N.Y., Proclamation of Local State of Emergency and Local Emergency Ord. (Mar. 14, 2020).

passed that waived competitive bidding procedures for contracts that utilize emergency funds for food security infrastructure.<sup>37</sup>

*E. Laws that Allow Food Service Establishments Focused on Serving Priority Populations to Continue Operating Amid Ordered Business Closures and Stay-at-Home Restrictions*

As a multitude of executive orders flooded the municipal landscape at the start of the COVID-19 emergency, many orders required closure of non-essential businesses. However, to ensure food access to the most vulnerable, executive orders have promoted food service establishments that serve priority populations in a variety of ways.<sup>38</sup> These include laws that exempt establishments serving priority populations, such as nursing homes, homeless shelters, food shelves, and school meal service operations from business closures.

Commonly, executive orders that require certain businesses to close define food banks, charities, and organizations that provide food for economically disadvantaged or otherwise marginalized populations as essential services that may remain open.<sup>39</sup> Other executive orders have accomplished the same end through different means; by exempting food banks, charities, and

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<sup>37</sup> Columbus, Ohio, Ordinance 0738-2020, § 3 (Mar. 18, 2020).

<sup>38</sup> Priority populations include children, elderly, minority groups, and other “[g]roups of people who systematically experience unfavorable social, economic, or political conditions based on their relative position in social hierarchies.” HEALTHY FOOD POL’Y PROJECT, *supra* note 1 (citing to Braveman, P. A., Kumanyika, et al., *Health Disparities and Health Equity: The Issue is Justice*, AM. J. OF PUB. HEALTH 101(S1), S149–S155 (2011)).

<sup>39</sup> Kansas City, Mo., Second Amended Ord. 20-01, §§ III A(2)(ii),(v),(xii) (Mar. 21, 2020).

nonprofit organizations that serve priority populations from the definition of food service establishments that are required to close.<sup>40</sup>

Some executive orders have included language specific to priority populations. For example, many municipalities allow exceptions to stay-at-home orders for schools that offer takeaway food services from stay-at-home orders, or define them as an essential activity allowed to continue during stay-at-home orders.<sup>41</sup> Other orders have allowed exceptions for food distribution services that are provided to older adults.<sup>42</sup>

*F. Other Allowances and Flexibilities for Food Service Establishments*

Emergencies place financial pressure on food service establishments.<sup>43</sup> To help relieve this pressure during the COVID-19 pandemic, municipalities are relaxing various restrictions on food service establishments. This includes laws that provide special operating flexibility or other emergency-period allowances for food service establishments. For example, municipalities are

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<sup>40</sup> Laurel, Mass., Exec. Ord. No. 2020-15, § V(C) (May 15, 2020).

<sup>41</sup> Cty. of Sacramento, Cal., Ord. of the Health Officers of the Cty. of Sacramento, §§ 4, 10(g) (Mar. 19, 2020); Jacksonville, Fla., Emergency Exec. Ord. 2020-5, § (m) (April 1, 2020); Miami-Dade Cty, Fla. Emergency Ord. 07-20, items 2(b), (d), (m) (Mar. 19, 2020).

<sup>42</sup> N.Y., N.Y., Exec. Ord. No. 100, § 17.1 (Mar. 16, 2020).

<sup>43</sup> See Gerald Davis & Amy Drushal, *The Shutdown of the Restaurant Industry: The Widespread Impact*, LAW.COM (June 17, 2020) <https://www.law.com/2020/06/17/the-shutdown-of-the-restaurant-industry-the-widespread-impact/?sreturn=20201023121555> [<https://perma.cc/AQ35-3JE3>] (finding restaurants and food establishments are facing extreme decreases in clientele and revenue, but increased expenses).

relaxing noise and hour-of-delivery ordinances so that food establishments may receive deliveries regardless of the time of day, in recognition that the supply chain is disrupted and deliveries are in high demand.<sup>44</sup> Another approach to promote food establishments includes relaxing the city code's signage and zoning ordinances, permit fees, and license requirements.<sup>45</sup> In addition to helping promote business curbside pickup services, these laws attempt to ease the financial burden of struggling food establishments.<sup>46</sup>

*G. Laws that Allow Fresh Food Sales, Purchases, Cultivation, Hunting, and Fishing Amid Ordered Business Closures and Stay-at-Home Restrictions*

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<sup>44</sup> Moorpark, Cal., Exec. Ord. No. 2020-03, § 1 (Mar. 24, 2020); Oxnard, Cal., Exec. Ord. No. 20-02, § 1 (Mar. 19, 2020).

<sup>45</sup> Cape Coral, Fla., Res. 87-20, § 1-2 (April 7, 2020) (allows an increase in A-frame style signage); Tampa, Fla., Exec. Ord. 2020-12 (May 8, 2020) (allows increased operating into parking areas and closed streets to accommodate social distancing guidelines); Boise, Idaho, Public Health Emergency Ord. No. 20-02, § 2 (Mar. 19, 2020) (requiring parking meters in front of food service establishments be reserved for curb-side pick-up); Minneapolis, Minn., Emergency Reg. No. 2020-5 (Mar. 17, 2020) (waiving late fees for food service licenses); Asheville, N.C., Proclamation § 7-8 (Mar. 24, 2020) (suspending part of municipal code that limited service area for food trucks).

<sup>46</sup> *See e.g.*, Madison, Wis., Res. 20-00320 (Apr. 21, 2020) (parking regulations were suspended in Madison to support curbside pick-up services); *see* Whatcom Cty., Wash., Ordinance No. 2020-022 (May 5, 2020) (Whatcom County identified the financial burden restaurants are facing and waived permit fees for six months).

Similarly, many stay-at-home orders and other orders requiring reduced business operation or closures include exemptions or other exceptions for activities relating to the sale or purchase of fresh foods, gardening, farming, hunting, or fishing activities. Municipalities have defined food cultivation services as essential services allowed to continue during stay-at-home orders, including agriculture, agriculture-related services, hunting, and fishing.<sup>47</sup> To promote fresh food purchases, municipalities have also defined certified farmers' markets, food produce stands, farm-to-consumer programs, and other fresh food sales as essential services allowed to continue during stay-at-home orders.<sup>48</sup>

#### *H. Other Supports for Fresh Food Sales, Cultivation, Hunting, and Fishing*

Additionally, municipalities are specifically offering funding, flexibilities, or incentives to encourage food cultivation, hunting, fishing, and sales during the pandemic. For example, some are recognizing that license requirements or fees may impede involvement with certain fresh food cultivation and similar activities. Some municipalities have promoted local gardening by waiving fees and restrictions for urban agriculture programs, like Pittsburgh, Pennsylvania, which identified that urban farming will help “Pittsburgh neighborhoods to recover from the global

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<sup>47</sup> Anchorage, Alaska, Emergency "Hunker Down" Ord. EO-03 § 5(f) (Mar. 20, 2020); Shawnee Cty, Kan., Emergency Ord. of Local Health Officer § 1(e) (Mar. 24, 2020); Portland, Me, Ord. 153-19/20: Exhibit A §§ 3, 7 (Mar. 30, 2020); Mecklenburg Cty. et al., N.C., Revised Joint Proclamation ¶ 2 (Mar. 26, 2020).

<sup>48</sup> Berkeley, Cal., Ord. of City Health Officer, § 10(f) (Mar. 16, 2020); Geary Cty., Kan., Emergency Order of Local Health Officer §§ 1(b)(ii), (e) (Mar. 27, 2020).

COVID-19 pandemic and insulate communities against the impacts of future crises.”<sup>49</sup> Other municipalities have waived license requirements to allow fishing to continue.<sup>50</sup>

Madison, Wisconsin, allocated previously authorized funds for partnership with designated groups that are prioritizing COVID-19 needs via local produce use.<sup>51</sup> One of the partner organizations is using \$4,500 to fund meal deliveries and food boxes with local produce.<sup>52</sup> Other organizations are using the funds to invest in food pantry gardens or neighborhood harvest gardens.<sup>53</sup> Another jurisdiction that is prioritizing fresh food is Dekalb County, Georgia, where the county has allocated \$600,000 of CARES funding for use in distributing fresh food baskets via mobile trucks to local residents who lack access to fresh food.<sup>54</sup>

*I. Laws that Require or Promote Safer Access to Food Establishments that Serve Priority Populations*

Given its highly contagious nature, the COVID-19 virus has made food access at food stores and other venues especially challenging for medically vulnerable persons.<sup>55</sup> Municipalities

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<sup>49</sup> Pittsburgh, Pa., Res. No. 2020-0298 (May 5, 2020).

<sup>50</sup> Nantucket, Mass., Emergency Ord. No. 4 (Apr. 8, 2020).

<sup>51</sup> Madison, Wis., Res. 20-00293 (April 28, 2020).

<sup>52</sup> *Id.*

<sup>53</sup> *Id.*

<sup>54</sup> Dekalb Cty, Georgia, Res. No. 2020-1107 (Oct. 13, 2020).

<sup>55</sup> See Annalies Goger, *For Millions of Low-income Seniors, Coronavirus is a Food-security Issue*, BROOKINGS (Mar. 16, 2020), <https://www.brookings.edu/blog/the-avenue/2020/03/16/for-millions-of-low-income-seniors-coronavirus-is-a-food-security-issue/> [<https://perma.cc/B9GQ->



are responding by enacting measures to ensure safer access to food establishments.<sup>56</sup> These include laws that support safer access to food at grocery stores, farmers' markets, food stands, nursing homes, hospitals, etc., through measures such as special shopping or dining hours, mask requirements, and social distancing.

Some municipalities require grocery stores to reserve exclusive hours for seniors and other high-risk populations to shop, usually in the morning, so that the store is freshly cleaned with a limited capacity.<sup>57</sup> Other municipalities enacted ordinances to require food access points, including grocery stores and nonprofit food banks, to follow CDC guidelines such as social distancing, mask requirements, and enhanced cleaning procedures.<sup>58</sup>

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P9E4] (noting that local recommendations regarding high-risk populations and social distancing make it difficult for seniors to access food).

<sup>56</sup> See Jordan Carter, Patrick Hain & Sue Pechilio Polis, *Food Access During the COVID-19 Pandemic*, NAT'L LEAGUE OF CITIES (Mar. 26, 2020), <https://www.nlc.org/article/2020/03/26/food-access-during-the-covid-19-pandemic/> [<https://perma.cc/E6RQ-3SSY>] (noting that local leaders can and should ensure CDC guidelines regarding social distancing are met during food access).

<sup>57</sup> Mobile, Ala., Ord. of the Mayor: Guidelines for Retail and Grocery Stores (April 1, 2020); L.A., Cal., Ordinance No. 186587 (Mar. 31, 2020); Nashville, Tenn., Amended and Restated Ord. 3 from the Chief Medical Director Safer at Home Order, § 6 (Apr. 1, 2020).

<sup>58</sup> Odessa, Tex., Mayoral Limited Shelter in Place Ord. Due to Public Health Emergency, §§ 15, 16 (March 30, 2020); Atchison Cty., Kan., Emergency Ord. of Local Health Officer, §2 (March 24, 2020) (focusing on businesses that offer food to priority populations).

### **III. CONCLUSION**

As the pandemic continues to affect food security, the Healthy Food Policy Project team will continue to monitor COVID-19-related municipal food access policies throughout the country and will update the Project's COVID-19 Food Access Municipal Policy Index. We anticipate that over the next few months, local policy strategies will evolve because of the expiration of federal CARES Act funding, ongoing and increasing unemployment statistics, continuing school closures, and increasing rates of COVID-19 infection. We urge municipalities to review and build on what other jurisdictions have already done and continue to assist the ongoing and demanding need for safe, effective food access in their communities.