Town of Berkley Cannabis Social Equity Policies

Purpose and Scope

On August 11, 2022, Governor Charlie Baker signed S. 3096, An Act Relative to Equity in the Cannabis Industry, into law. The new law requires host municipalities to establish initial policies to promote Equity in the cannabis industry no later than July 1, 2023, or be subject to monetary penalties. On June 29, 2023, the Massachusetts Cannabis Control Commission ("CCC") issued guidance on how to create a model a Social Equity policy that encourages cities and towns in Massachusetts to consider incentives for increased participation by Social Equity applicants in their local cannabis ecosystem.

Based on cannabis Social Equity best practices, guidance from the CCC, and lessons learned from the Town of Berkley's current cannabis business permitting program, the Town of Berkley adopts a set of policies to further promote Equity for new Social Equity applicants seeking to establish businesses in Berkley.

Applicability

The CCC's Social Equity programs provide training and technical assistance to applicants who have been disproportionately impacted by the War on Drugs, marijuana prohibition, arrests, and incarceration and who meet certain income and residency requirements. The Town of Berkley defines qualifying Social Equity applicants under Berkley's Cannabis Social Equity Policies as those that have been certified as eligible to participate in the CCC Social Equity Program or are Certified Economic Empowerment Priority Applicants according to the CCC.

The Town of Berkley Cannabis Social Equity Policies:

To encourage greater participation by Social Equity applicants in Berkley's cannabis industry, when reviewing an application for a Host Community Agreement (HCA), an evaluation form will be made available that scores components of an application. The evaluation form will include consideration of equity in the overall evaluation score, which will comprise not less than 25 percent of the total evaluation score. This equity component will include: (i) whether a License Applicant is pre-verified as a Social Equity Business by the Commission; (ii) whether the License Applicant is a Social Equity Program Participant; (iii) whether the License Applicant is an Economic Empowerment Priority Applicant; (iv) whether the License Applicant has a prior Marijuana related criminal conviction; (v) whether the License Applicant is part of an Area of Disproportionate Impact, as identified by the Commission; or (vi) a majority of the License Applicant entity is comprised of individuals from Black, African American, Hispanic, Latino, or Native American or indigenous descent.

Further, to comply with 935 CMR 500.181(3)(a) and 501.181(3)(a), the Town has adopted a Local Approval Process for equity applicants that is administered on a 1:1 basis, where a General Applicant may be approved only after a Social Equity Business has commenced operations, which will remain in effect until such time as 50% of the Licensees operating in the Host Community are Social Equity Businesses. In furtherance of these goals, the Town will implement the following policies and procedures:

1. The Town of Berkley will enhance marketing and outreach to potential Social Equity applicants by promoting available HCAs to the Cannabis Control Commissions' Social Equity program,

promoting on the Town's website and social media, and enhanced business outreach as part of the Town's Economic Development program.

2. The Town of Berkley will provide permitting technical assistance for Social Equity and Economic Empowerment applicants navigating the Town of Berkley's cannabis permitting process. The Planning and Development Department will create a website with guidance and resources for applicants and a list of all required permits, including necessary forms. A municipal contact will be listed on the Town website and will work closely with Social Equity applicants in the permitting process from initial inquiry through the special permit and building permit process.
3. Under the state program, Social Equity and Economic Empowerment applicants are currently eligible for exclusive access to Delivery Licenses, including Marijuana Courier Marijuana and Delivery Operator licenses.
4. Wherever possible, the Town of Berkley will reduce financial barriers and expedite the permitting for Social Equity and Economic Empowerment applicants. Throughout the Town of Berkley's special permit process, the Planning and Development Department will endeavor to streamline permitting for these applicants.
5. The Town of Berkley will update its municipal website pages regarding its adult retail and medical cannabis approval process and centralized all information on one page, including a list of all documentation required by a Host Community's local approval process in downloadable form, in order to be user friendly and transparent.

*Approved by Board of Selectmen October 14th, 2026