

Community Food Access Program

Engaging in Colorado Rulemaking

How small farms, small retailers, distributors, and local food partners can share their experiences with the Colorado Department of Agriculture to help shape the program and ensure its functionality.

The [Community Food Access Program Tax Incentive](#) is intended to increase access to and lower prices for healthy food in low-income, low-access areas of the state by supporting small food retailers and small family farms. Costly equipment purchases made by these entities may be eligible for a refundable income tax credit equal to 75% of the amount spent. Equipment must help to increase access to or lower prices for healthy food in low-income, low-access and underserved areas of the state.

Recent Changes to the CFA Tax Incentive

[Colorado HB26-1289](#) amended several key provisions of the tax incentive program to broaden eligibility and ensure incentives would be made available to those who are providing food to those in need, whether in schools, communities, or at charitable food sites. Some key changes include:

Expanded Small Retailer Definition

Up to 5 locations and 22,000 square feet.

Expanded Ways to Feed Community

Equipment costs will now be eligible when used to grow food for schools, charitable food programs, child care, or older adult facilities.

New Qualified Distributors

Tax credit extended to distributors including Colorado food hubs, with new definitions likely needed.

Tax Credit Guardrails

\$500 minimum equipment purchase, annual maximum per business, and \$5M total annual cap.

Extended Timeline

CDA has more time to review and issue tax credit certificates.



Rulemaking on These Changes

CDA will now write rules that translate the new law into definitions, eligibility details, and review processes. CDA is likely to propose definitions that decide who qualifies and what evidence is enough. Every rulemaking process requires a public comment period. Comments should test proposed definitions against real business conditions.

Your comments matter! Rules decide how the program works day to day. Your story helps CDA see what a definition or requirement means on the ground.

How You Can Engage

CDA has released their [draft definitions](#) (see link for small business recovery & resiliency tax credits) that you can review and prepare comments on. You can find all the information needed about the hearing scheduled for August 20th and how to submit comments and register [here](#).

Guidelines for Commenting

1. Introduce yourself

- Who you are, where you work, and who you serve.

2. Name the rule issue

- Which definition, eligibility rule, timeline, or tax credit detail you are commenting on.

3. Tell the real-world impact

- What happens on your farm, in your store, or in your local food network if the rule is too narrow, too broad, or too vague.

4. Make the clear & focused ask

- The specific definition, standard, example, or flexibility CDA should include.
- What problem are you solving?
- Who is affected?
- What real example proves the point?
- What should CDA define, clarify, or make flexible?

