

STATE OF NEW YORK

4139

2023-2024 Regular Sessions

IN ASSEMBLY

February 10, 2023

Introduced by M. of A. LUPARDO -- read once and referred to the Committee on Agriculture

AN ACT to amend the agriculture and markets law, in relation to providing additional duties of the community gardens task force

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

1 Section 1. Section 31-j of the agriculture and markets law is amended
2 by adding a new subdivision 6 to read as follows:

3 6. (a) The task force shall conduct an assessment of all community
4 gardens located on publicly owned land in the state to determine whether
5 each of the gardens meets the requirement for designation as a critical
6 environmental area (CEA) pursuant to paragraph one of subdivision (g) of
7 section 617.14 of title six of the official compilation of codes, rules
8 and regulations of the state of New York. The task force shall provide a
9 status report on the assessment to the governor and the legislature on
10 or before January first, two thousand twenty-four, and shall complete
11 such assessment on or before January first, two thousand twenty-five.
12 The task force shall conduct additional assessments of any new community
13 gardens on publicly owned land on or before January first, two thousand
14 twenty-nine and on or before January first of each fifth year thereafter.
15 In conducting the assessment, the task force shall:

16 (i) consult, to the fullest extent possible, with members of each
17 community garden regarding the garden's characteristics;

18 (ii) consult, to the fullest extent possible, with the department of
19 environmental conservation regarding the requirements for CEA designa-
20 tion; and

21 (iii) prepare a written summary of its findings regarding each commu-
22 nity garden that shall include:

23 (A) the name and address of the garden;

24 (B) the name of the state or local agency that has jurisdiction over
25 the garden;

EXPLANATION--Matter in italics (underscored) is new; matter in brackets
[-] is old law to be omitted.

LBD02740-01-3

1 (C) a description of all the characteristics of the garden that cover
2 the factors in paragraph one of subdivision (g) of section 617.14 of
3 title six of the official compilation of codes, rules and regulations of
4 the state of New York;

5 (D) the task force's conclusion as to whether the garden meets the
6 requirement for CEA designation; and

7 (E) any other information the task force deems appropriate.

8 (b) Upon completion of the assessment, the task force shall, to the
9 extent possible, provide the written summaries of its findings to a
10 member of each garden's leadership and, for the community gardens that
11 meet the requirement for CEA designation, provide the written summaries
12 of its findings to the agencies with jurisdiction over the gardens,
13 along with a recommendation that the agencies designate the gardens as
14 CEAs.

15 § 2. This act shall take effect immediately.