S T A T E O F N E W Y O R K

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2009-2010 Regular Sessions

I N A S S E M B L Y

March 12, 2009

Introduced by M. of A. BRENNAN -- read once and referred to the Committee on Tourism, Arts and Sports Development

AN ACT to dedicate community gardens as parkland in the state of New York

THE PEOPLE OF THE STATE OF NEW YORK, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. Legislative findings and declaration. The legislature hereby finds and declares that preservation of community gardens in the state of New York is a matter of state concern. Community gardens are valuable to the preservation of the quality of life in New York state. Hundreds of vacant lots have been transformed from places of blight and criminal activity into productive spaces offering beautiful flower and vegetable gardens and recreational areas for use by community residents of all ages. Such transformations have been at the initiative and responsibility of community volunteers. Such volunteers have been able to transform abandoned lots into plots offering park and recreational benefits at a cost far below what it would have cost the state or the local municipalities to do. Such community gardens were developed by volunteers in response to urban blight in their areas.

Small parcels of open space in local municipalities are easily accessible to large numbers of people and have a greater value to urban dwellers than many acres of land that are not accessible. Lands, which in an urban area can be used for community gardens or neighborhood parks and open spaces are as significant to the environmental health of municipal residents as areas in pristine environmental condition are to people in rural areas.

In recognition of the importance of such places to the state and its quality of life, the legislature hereby finds and declares community gardens as parkland of the state of New York and further finds that such community gardens cannot be sold or developed by any local municipality without the approval of the local zoning board or in the case of any

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

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city having a population of one million or more without the permission of the community board in whose district the community garden is situated.

S 2. Notwithstanding any inconsistent provision of law, lots commonly referred to as community gardens, which have been leased by any local municipality in the state of New York to community residents for use as a community garden or for recreation purposes for at least one year prior to the effective date of this act shall be dedicated as parkland in the municipality wherein such community garden exists. Such parkland shall not be developed or sold unless the local zoning board, or in the case of cities having a population of one million or more, the community board that has jurisdiction over the location of the garden approves the plot's withdrawal from the community garden program.

S 3. This act shall take effect immediately.