

2301

2009-2010 Regular Sessions

I N A S S E M B L Y

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Introduced by M. of A. MCENENY, CANESTRARI, JACOBS, DESTITO, REILLY --
Multi-Sponsored by -- M. of A. CLARK, COOK, GALEF, KOLB, MAGEE -- read
once and referred to the Committee on Agriculture

AN ACT to amend the agriculture and markets law and the New York state
urban development corporation act, in relation to the planning and
development of urban greenmarkets

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

1 Section 1. Subdivision 1 of section 260 of the agriculture and markets
2 law, as amended by chapter 612 of the laws of 2006, is amended to read
3 as follows:
4 1. "Farmers' market" OR "GREENMARKET" shall mean any building, struc-
5 ture or place, the property of a municipal corporation or under lease to
6 or in possession of a public or private agency, individual or business
7 used or intended to be used by two or more producers for the direct sale
8 of a diversity of farm and food products, as defined in subdivision four
9 of this section, from producers to consumers and food buyers. Such
10 market may also include facilities for the packing, shipping, first-in-
11 stance processing or storage of farm and food products, and shall
12 include all equipment used or intended to be used in connection with
13 such facilities. Such market may also include other businesses which
14 reasonably serve the public or make the market more convenient, effi-
15 cient, profitable or successful, including, but not limited to, food
16 service, baking, and non-food retailing.
17 S 2. Subdivision 2 of section 262 of the agriculture and markets law,
18 as amended by chapter 126 of the laws of 2007, is amended to read as
19 follows:
20 2. Any municipal corporation, regional market authority, public bene-
21 fit corporation, not-for-profit corporation or agricultural cooperative
22 organized pursuant to the cooperative corporations law, may submit an
23 application for state assistance FOR A PLAN TO ESTABLISH A REGIONALLY

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

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1 BASED URBAN GREENMARKET FACILITY AND for the construction, recon-
2 struction, improvement, expansion or rehabilitation of a farmers' market
3 OR GREENMARKET under their control including assistance for engineering
4 or architectural designs for new or reconstructed facilities, and for
5 providing promotional support for farmers' markets OR GREENMARKETS.

6 S 3. Section 16-n of section 1 of chapter 174 of the laws of 1968,
7 constituting the New York state urban development corporation act, as
8 added by chapter 428 of the laws of 2006, is renumbered section 16-t.

9 S 4. Section 1 of chapter 174 of the laws of 1968, constituting the
10 New York state urban development corporation act, is amended by adding a
11 new section 16-u to read as follows:

12 S 16-U. URBAN GREENMARKET FACILITIES CONSTRUCTION PROGRAM. 1. DEFI-
13 NITIONS. FOR PURPOSES OF THIS SECTION:

14 (A) "URBAN GREENMARKET CONSTRUCTION PROJECT" SHALL MEAN A PROJECT FOR
15 THE ESTABLISHMENT, EXPANSION AND DEVELOPMENT OF A YEAR-ROUND REGIONALLY
16 BASED URBAN GREENMARKET PRIMARILY LEASING SPACE TO FARMERS,
17 FARMER/PROCESSORS AND CRAFT BUSINESSES FROM WITHIN THE REGION OF THE
18 GREENMARKET TO SELL DIRECTLY TO CUSTOMERS.

19 (B) "NOT-FOR-PROFIT CORPORATION" SHALL MEAN CORPORATION BUSINESS
20 IMPROVEMENT DISTRICTS AND REGIONAL AND COMMUNITY DEVELOPMENT ORGANIZA-
21 TIONS ORGANIZED UNDER THE PROVISIONS OF THE NOT-FOR-PROFIT CORPORATION
22 LAW OR OTHER STATE LAW PROVIDING FOR NONPROFIT CORPORATIONS.

23 (C) "HIGHLY DISTRESSED" SHALL HAVE THE SAME MEANING AS PROVIDED FOR IN
24 SECTION 16-D OF THIS ACT.

25 (D) "ECONOMICALLY DISTRESSED AREAS" SHALL HAVE THE SAME MEANING AS
26 PROVIDED FOR IN SECTION 16-D OF THIS ACT.

27 2. THE CORPORATION SHALL, FROM APPROPRIATIONS MADE AVAILABLE FOR THE
28 PURPOSE, ESTABLISH A REGIONALLY BASED URBAN GREENMARKET FACILITIES
29 CONSTRUCTION PROGRAM WHICH SHALL OFFER CONSTRUCTION GRANTS PURSUANT TO
30 PARAGRAPHS (A) AND (B) OF SUBDIVISION 3 OF THIS SECTION AND REVOLVING
31 LOANS AND LOAN GUARANTEES PURSUANT TO PARAGRAPHS (C) AND (D) OF SUBDIVI-
32 SION 3 OF THIS SECTION.

33 3. TO THE EXTENT THAT MONIES ARE APPROPRIATED FOR THE URBAN GREENMARK-
34 ET FACILITIES CONSTRUCTION PROGRAM, THE CORPORATION SHALL PROVIDE
35 FINANCING FOR REGIONALLY BASED URBAN GREENMARKET FACILITIES CONSTRUCTION
36 PROJECTS FOR THE ESTABLISHMENT, EXPANSION AND DEVELOPMENT OF REGIONALLY
37 BASED URBAN GREENMARKET FACILITIES WHICH ARE INTENDED TO SERVE THE NEEDS
38 OF THE REGIONAL AGRICULTURAL COMMUNITY AND THE COMMUNITY REVITALIZATION
39 OF THE HOST CITY. THE CORPORATION, IN CONSULTATION WITH THE DEPARTMENT
40 OF ECONOMIC DEVELOPMENT, SHALL DEVELOP A JOINT REQUEST FOR APPLICATIONS
41 WITH THE DEPARTMENT OF AGRICULTURE AND MARKETS' COMMENTS ON SOLICITING
42 POTENTIAL APPLICANTS SEEKING ASSISTANCE FOR THE DEVELOPMENT OF
43 REGIONALLY BASED URBAN GREENMARKET FACILITIES. AN APPLICANT MUST BE A
44 NOT-FOR-PROFIT CORPORATION, MUNICIPAL CORPORATION OR PUBLIC BENEFIT
45 CORPORATION. IN DETERMINING AWARD RECIPIENTS, THE CORPORATION SHALL
46 CONSIDER, AMONG OTHER FACTORS, THE DEPARTMENT OF AGRICULTURE AND
47 MARKETS' COMMENTS ON THE APPLICATIONS. SUCH FINANCING SHALL CONSIST OF
48 GRANTS, REVOLVING LOANS AND LOAN GUARANTEES FOR THE ESTABLISHMENT,
49 EXPANSION, AND DEVELOPMENT OF URBAN GREENMARKET FACILITIES.

50 (A) GRANTS SHALL BE USED FOR GENERAL PROJECT DEVELOPMENT COSTS,
51 INCLUDING, BUT NOT LIMITED TO:

52 (I) THE ACQUISITION, DESIGN, CONSTRUCTION, IMPROVEMENT OR RENOVATION
53 OF THE SITE; AND

54 (II) THE PURCHASE OF NECESSARY EQUIPMENT.

55 (B) FOR THE PURPOSES OF THIS SUBDIVISION GRANTS SHALL NOT EXCEED
56 EIGHTY PERCENT OF THE TOTAL PROJECT COST IN HIGHLY DISTRESSED COMMUNI-

1 TIES; SHALL NOT EXCEED SEVENTY PERCENT OF THE TOTAL PROJECT COST IN
2 ECONOMICALLY DISTRESSED AREAS; AND SHALL NOT EXCEED SIXTY PERCENT OF THE
3 TOTAL PROJECT COST IN NON-ECONOMICALLY DISTRESSED AREAS.

4 (C) URBAN GREENMARKET FACILITY CONSTRUCTION REVOLVING LOAN AND LOAN
5 GUARANTEES. THE CORPORATION SHALL PROVIDE REVOLVING LOANS AND LOAN GUAR-
6 ANTEES FOR THE ESTABLISHMENT BY NOT-FOR-PROFIT CORPORATIONS, MUNICIPAL
7 CORPORATIONS OR PUBLIC BENEFIT CORPORATIONS OF REGIONALLY BASED URBAN
8 GREENMARKET FACILITIES. SUCH REVOLVING LOANS AND LOAN GUARANTEES SHALL
9 BE FOR CONSTRUCTION COSTS, INCLUDING, BUT NOT LIMITED TO THE DESIGN,
10 CONSTRUCTION, IMPROVEMENT OR RENOVATION AND MAY INCLUDE INTERIM FINANC-
11 ING.

12 (D) URBAN GREENMARKET FACILITY REVOLVING LOAN AND LOAN GUARANTEE FUND.
13 FOR THE PURPOSES OF THIS SUBDIVISION, THE CORPORATION SHALL ESTABLISH AN
14 URBAN GREENMARKET FACILITY CONSTRUCTION REVOLVING LOAN AND LOAN GUARAN-
15 TEE FUND ACCOUNT. THE CORPORATION SHALL DETERMINE THE TERMS AND INTEREST
16 RATES OF SUCH LOANS TO NOT-FOR-PROFIT CORPORATIONS, MUNICIPAL CORPO-
17 RATIONS OR PUBLIC BENEFIT CORPORATIONS, EXCEPT THAT NO LOAN SHALL EXCEED
18 EIGHTY PERCENT OF THE TOTAL PROJECT COST IN HIGHLY DISTRESSED COMMUNI-
19 TIES; SEVENTY PERCENT OF THE TOTAL PROJECT COST IN ECONOMICALLY
20 DISTRESSED AREAS; AND SIXTY PERCENT OF THE TOTAL PROJECT COST IN NON-E-
21 CONOMICALLY DISTRESSED AREAS. IN INSTANCES WHERE AN OTHERWISE QUALIFIED
22 APPLICANT LACKS EQUITY IN A PROJECT, EQUITY PARTICIPATION MAY INCLUDE
23 ANY COMMITMENT FOR GRANTS. PAYMENTS CONSISTING OF THE REPAYMENT OF THE
24 PRINCIPAL AMOUNT OF THE LOAN AND INTEREST SHALL BE DEPOSITED BY THE
25 CORPORATION INTO THE URBAN GREENMARKET FACILITY REVOLVING LOAN FUND
26 ACCOUNT FROM WHICH THE LOAN WAS MADE.

27 4. FINANCING FOR URBAN GREENMARKET FACILITIES CONSTRUCTION PROJECTS
28 AUTHORIZED PURSUANT TO THIS SUBDIVISION, SHALL ONLY BE MADE UPON A
29 DETERMINATION BY THE CORPORATION, IN CONSULTATION WITH THE DEPARTMENT OF
30 ECONOMIC DEVELOPMENT, AND THE DEPARTMENT OF AGRICULTURE AND MARKETS THAT
31 SUCH A FACILITY WILL IMPROVE THE AGRICULTURAL AND URBAN ECONOMIES. SUCH
32 REVOLVING LOANS, LOAN GUARANTEES AND GRANTS SHALL ONLY BE MADE FOR
33 FACILITIES WHERE THERE ARE INADEQUATE AGRICULTURAL DIRECT MARKETING
34 FACILITIES. SUCH CENTERS SHALL DEMONSTRATE THE POTENTIAL TO OBTAIN, FROM
35 APPROPRIATE GOVERNMENTAL AGENCIES, ALL NECESSARY APPROVALS, LICENSES,
36 AND OTHER SUPPORTS REQUIRED TO OPERATE THE FACILITY.

37 S 5. This act shall take effect immediately.