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

5814

2009-2010 Regular Sessions

I N A S S E M B L Y

February 20, 2009

Introduced by M. of A. DIAZ -- read once and referred to the Committee on Economic Development, Job Creation, Commerce and Industry

AN ACT to amend the New York state urban development corporation act, in relation to enacting the food retail establishment subsidization for healthy communities (FRESH Communities) act

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

Section 1. Short title. This act shall be known and may be cited as the "food retail establishment subsidization for healthy communities act".

S 2. Legislative intent. The legislature finds that the lack of access to fresh foods is a problem of growing concern in many communities across the state. Substantial increases in urban land values and rents, limited access to financing and other economic pressures have left many lower-income residents in urban and rural areas underserved by supermarkets and other food retail establishments. The resulting lack of access to a variety of fresh food retailers makes it more difficult and expensive for these residents to maintain a nutritionally balanced diet and leads to increased public health costs, dilutes the value of public assistance for food purchases, leads to greater travel times and energy expenditures to obtain fresh food, and deprives the state's farmers of markets for their products. Providing access to financial assistance for urban and rural supermarkets in underserved areas will remedy these adverse conditions, create employment opportunities and help to revitalize and stabilize currently underserved neighborhoods.

S 3. Paragraph (k) of subdivision 1 of section 16-m of section 1 of chapter 174 of the laws of 1968, constituting the New York state urban development corporation act, as added by section 4 of part FF of chapter 59 of the laws of 2006, is amended and a new paragraph (1) is added to read as follows:

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

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(k) Assistance for regional partnership proposals, as provided in subdivision 12 of section 3154 of the public authorities law[.]; AND

(l) LOANS, LOAN GUARANTEES, INTEREST SUBSIDIES AND GRANTS TO BUSINESSES, MUNICIPALITIES, NOT-FOR-PROFIT CORPORATIONS OR LOCAL DEVELOPMENT CORPORATIONS FOR THE PURPOSE OF ATTRACTING, MAINTAINING OR PERMITTING THE EXPANSION OF FOOD RETAIL ESTABLISHMENTS IN UNDERSERVED AREAS. FOR PURPOSES OF THIS PARAGRAPH, "UNDERSERVED AREAS" SHALL INCLUDE LOW OR MODERATE-INCOME CENSUS TRACTS, AREAS OF BELOW AVERAGE SUPERMARKET DENSITY OR HAVING A SUPERMARKET CUSTOMER BASE WITH MORE THAN FIFTY PERCENT LIVING IN LOW-INCOME CENSUS TRACTS, OR OTHER AREAS DEMONSTRATED TO HAVE SIGNIFICANT ACCESS LIMITATIONS DUE TO TRAVEL DISTANCE, AS DETERMINED BY THE CORPORATION, AND "FOOD RETAIL ESTABLISHMENTS" SHALL INCLUDE SUPERMARKETS AND OTHER GROCERY RETAILERS THAT OPERATE ON A SELF-SERVICE BASIS AND SELL A MINIMUM PERCENTAGE OF PRODUCE, MEAT, POULTRY, SEAFOOD, BAKED GOODS AND/OR DAIRY PRODUCTS; PROVIDED, HOWEVER, THAT SUCH TERM SHALL NOT INCLUDE CONVENIENCE STORES, AND THAT REAL ESTATE PROJECTS WHICH HAVE MULTI-TENANT USES ARE NOT ELIGIBLE UNLESS A MINIMUM OF FIFTY PERCENT OF THE BUILDING AREA FOR WHICH ASSISTANCE IS SOUGHT WILL BE USED FOR FOOD RETAIL ESTABLISHMENTS.

S 4. This act shall take effect on the first of April next succeeding the date on which it shall have become a law; provided, however, that the urban development corporation shall be immediately authorized to take any and all actions necessary to fully implement the provisions of section three of this act on or before such effective date; and provided further, that the amendments to section 16-m of the urban development corporation act made by section three of this act shall not affect the expiration of such section and shall be deemed to expire therewith.