

3557

2009-2010 Regular Sessions

I N S E N A T E

March 24, 2009

Introduced by Sen. ADAMS -- read twice and ordered printed, and when printed to be committed to the Committee on Corporations, Authorities and Commissions

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:

1 Section 1. Short title. This act shall be known and may be cited as
2 the "food retail establishment subsidization for healthy communities
3 act".
4 S 2. Legislative intent. The legislature finds that the lack of access
5 to fresh foods is a problem of growing concern in many communities
6 across the state. Substantial increases in urban land values and rents,
7 limited access to financing and other economic pressures have left many
8 lower-income residents in urban and rural areas underserved by supermar-
9 kets and other food retail establishments. The resulting lack of access
10 to a variety of fresh food retailers makes it more difficult and expen-
11 sive for these residents to maintain a nutritionally balanced diet and
12 leads to increased public health costs, dilutes the value of public
13 assistance for food purchases, leads to greater travel times and energy
14 expenditures to obtain fresh food, and deprives the state's farmers of
15 markets for their products. Providing access to financial assistance for
16 urban and rural supermarkets in underserved areas will remedy these
17 adverse conditions, create employment opportunities and help to revital-
18 ize and stabilize currently underserved neighborhoods.
19 S 3. Paragraph (k) of subdivision 1 of section 16-m of section 1 of
20 chapter 174 of the laws of 1968, constituting the New York state urban
21 development corporation act, as added by section 4 of part FF of chapter
22 59 of the laws of 2006, is amended and a new paragraph (1) is added to
23 read as follows:

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

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1 (k) Assistance for regional partnership proposals, as provided in
2 subdivision 12 of section 3154 of the public authorities law[.]; AND
3 (1) LOANS, LOAN GUARANTEES, INTEREST SUBSIDIES AND GRANTS TO BUSI-
4 NESSES, MUNICIPALITIES, NOT-FOR-PROFIT CORPORATIONS OR LOCAL DEVELOPMENT
5 CORPORATIONS FOR THE PURPOSE OF ATTRACTING, MAINTAINING OR PERMITTING
6 THE EXPANSION OF FOOD RETAIL ESTABLISHMENTS IN UNDERSERVED AREAS. FOR
7 PURPOSES OF THIS PARAGRAPH, "UNDERSERVED AREAS" SHALL INCLUDE LOW OR
8 MODERATE-INCOME CENSUS TRACTS, AREAS OF BELOW AVERAGE SUPERMARKET DENSI-
9 TY OR HAVING A SUPERMARKET CUSTOMER BASE WITH MORE THAN FIFTY PERCENT
10 LIVING IN LOW-INCOME CENSUS TRACTS, OR OTHER AREAS DEMONSTRATED TO HAVE
11 SIGNIFICANT ACCESS LIMITATIONS DUE TO TRAVEL DISTANCE, AS DETERMINED BY
12 THE CORPORATION, AND "FOOD RETAIL ESTABLISHMENTS" SHALL INCLUDE SUPER-
13 MARKETS AND OTHER GROCERY RETAILERS THAT OPERATE ON A SELF-SERVICE BASIS
14 AND SELL A MINIMUM PERCENTAGE OF PRODUCE, MEAT, POULTRY, SEAFOOD, BAKED
15 GOODS AND/OR DAIRY PRODUCTS; PROVIDED, HOWEVER, THAT SUCH TERM SHALL NOT
16 INCLUDE CONVENIENCE STORES, AND THAT REAL ESTATE PROJECTS WHICH HAVE
17 MULTI-TENANT USES ARE NOT ELIGIBLE UNLESS A MINIMUM OF FIFTY PERCENT OF
18 THE BUILDING AREA FOR WHICH ASSISTANCE IS SOUGHT WILL BE USED FOR FOOD
19 RETAIL ESTABLISHMENTS.

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