

8138--A

2015-2016 Regular Sessions

I N A S S E M B L Y

June 10, 2015

Introduced by M. of A. SIMANOWITZ -- read once and referred to the Committee on Agriculture -- recommitted to the Committee on Agriculture in accordance with Assembly Rule 3, sec. 2 -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

AN ACT to amend the agriculture and markets law, in relation to a 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, as added
2 by chapter 528 of the laws of 2013, paragraph (a) of subdivision 4 as
3 amended by chapter 154 of the laws of 2015, is amended to read as
4 follows:

5 S 31-j. Community gardens task force. 1. The commissioner [may] SHALL
6 convene a community gardens task force to identify and develop ways to
7 encourage state agencies, municipalities and private parties to estab-
8 lish and expand community gardens and the activities conducted by such
9 gardens.

10 2. The task force shall be chaired by the commissioner, or by such
11 officer or employee of the department as shall be designated by the
12 commissioner. The membership of the task force may include represen-
13 tation from appropriate state agencies and members that represent exist-
14 ing community gardens, counties, cities, towns, villages, school
15 districts, other special use districts, public authorities and cooper-
16 ative extension services. MEMBERSHIP OF THE TASK FORCE SHALL INCLUDE AT
17 LEAST TWO REPRESENTATIVES FROM ORGANIZATIONS DEDICATED TO THE PROMOTION,
18 EXPANSION OR PROTECTION OF COMMUNITY GARDENS.

19 3. The commissioner, may request the assistance of state agencies to
20 carry out the work of the task force.

21 4. (a) The goals of the task force may include, but are not limited
22 to, the study, evaluation and development of recommendations: (i) to

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

LBD10619-06-6

1 encourage the establishment and expansion of community gardens by state
2 agencies, municipal governments and private parties, (ii) to encourage
3 cooperation between the activities and operations of community gardens
4 and provision of donated food to local voluntary food assistance
5 programs for the poor and disadvantaged, (iii) to increase the benefits
6 that community gardens may provide to the local community in which they
7 are located, [and] (iv) to encourage cooperation with community-based
8 organizations to increase the opportunities for seniors, those aged
9 sixty years of age or older, to participate in community gardens, (V) TO
10 DEVELOP AFTER SCHOOL PROGRAMS THAT ESTABLISH, MAINTAIN AND EXPAND COMMU-
11 NITY GARDENS, AND (VI) TO ENCOURAGE THE DEVELOPMENT AND EXPANSION OF
12 COMMUNITY GARDENS IN FOOD DESERTS AS DEFINED IN SECTION TWO HUNDRED
13 SIXTY OF THIS CHAPTER.

14 (b) In achieving the goals of the task force, the task force may
15 consider recommendations that: (i) encourage the execution of conserva-
16 tion easements by state agencies, municipalities or private parties to
17 establish or protect community gardens, (ii) encourage the creation of
18 mechanisms to transfer development rights to protect community gardens
19 or encourage the donation or lease of lands for community gardens, (iii)
20 development of model zoning codes, local land use laws or other municip-
21 al policies that could encourage the establishment or retention of
22 community gardens, and (iv) any other activity to achieve the goals
23 deemed appropriate by the task force according to the provisions of this
24 article.

25 5. THE TASK FORCE SHALL SUBMIT A REPORT TO THE GOVERNOR AND THE LEGIS-
26 LATURE ON OR BEFORE JANUARY FIRST, TWO THOUSAND SEVENTEEN AND ON OR
27 BEFORE JANUARY FIRST OF EACH FIFTH YEAR THEREAFTER ON THE STATUS OF
28 COMMUNITY GARDENS IN NEW YORK STATE. SUCH REPORT SHALL INCLUDE:

29 (A) THE NUMBER, NATURE AND GEOGRAPHIC LOCATION OF COMMUNITY GARDENS;
30 (B) A DESCRIPTION OF THE COSTS, BENEFITS AND IMPACTS OF COMMUNITY
31 GARDENS;

32 (C) AN ASSESSMENT OF THE SUCCESSES, FAILURES AND BARRIERS IN DEVELOP-
33 ING, MAINTAINING AND EXPANDING COMMUNITY GARDENS;

34 (D) LISTS OF FUNDING SOURCES AVAILABLE TO DEVELOP AND EXPAND COMMUNITY
35 GARDENS ALONG WITH THE REQUIREMENTS FOR OBTAINING THE FUNDING;

36 (E) AN ASSESSMENT OF THE FUNDING, REQUIREMENTS AND BARRIERS FOR DOUBLE
37 THE NUMBER OF EXISTING COMMUNITY GARDENS;

38 (F) A DISCUSSION OF THE GOALS OUTLINED IN SUBDIVISION FOUR OF THIS
39 SECTION AND A DESCRIPTION OF THE STEPS AND PROJECTS UNDERTAKEN TO MEET
40 THE GOALS FOR THE TASK FORCE AS ESTABLISHED IN THIS SECTION;

41 (G) AN ACTION PLAN FOR DOUBLING THE NUMBER OF COMMUNITY GARDENS IN THE
42 STATE OF NEW YORK;

43 (H) RECOMMENDATIONS FOR DEVELOPING, MAINTAINING AND EXPANDING COMMUNI-
44 TY GARDENS IN FOOD DESERTS; AND

45 (I) ANY OTHER RECOMMENDATIONS OR ASSESSMENTS THE TASK FORCE DEEMS
46 APPROPRIATE FOR THE REPORT.

47 BETWEEN REPORT DUE DATES, THE COMMISSIONER SHALL MAINTAIN THE NECES-
48 SARY RECORDS AND DATA REQUIRED TO SATISFY SUCH REPORT REQUIREMENTS AND
49 TO SATISFY INFORMATION REQUESTS RECEIVED FROM THE GOVERNOR AND THE
50 LEGISLATURE BETWEEN SUCH REPORT DUE DATES.

51 S 2. This act shall take effect immediately.