

5398

2015-2016 Regular Sessions

I N S E N A T E

May 14, 2015

Introduced by Sen. FUNKE -- read twice and ordered printed, and when printed to be committed to the Committee on Local Government

AN ACT to amend the general municipal law and the real property tax law, in relation to the sale and lease of certain municipal property for the cultivation and sale of fresh fruits and vegetables

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

1 Section 1. Legislative intent and findings. The legislature finds that
2 there exists in certain municipalities an excess of vacant property that
3 is not needed for public use and such vacant properties present numerous
4 problems for these municipalities including presenting the opportunity
5 for criminal activity, deterring neighboring property owners from
6 improving their properties and prospective purchasers and renters from
7 locating into these areas, and serving as a location to dispose of
8 unwanted items. Due, in part, to increasing population densities, the
9 deterioration of infrastructure such as parks, and fiscal constraints,
10 these municipalities have been challenged to offer residents opportu-
11 nities to enhance the quality of their lives. Municipal residents also
12 suffer from a shortage of fruits and vegetables due to the scarcity of
13 full service supermarkets and farmer's markets within certain munici-
14 palities. The shortages of recreational opportunities and sources of
15 fresh fruits and vegetables have contributed to increases in childhood
16 obesity and other adverse health consequences for municipal residents.
17 Authorization for municipalities to lease and sell vacant land to
18 nonprofit entities to cultivate these lands can provide both recreation-
19 al opportunities and a source of fresh, locally grown fruits and vegeta-
20 bles for local residents. The nonprofit cultivation of previously vacant
21 land by nonprofit entities is a public purpose for which the long term
22 lease and sale of these properties, and exemption from property taxation
23 therefor, is warranted, even in those instances when produce is sold to
24 further the mission of these nonprofit entities.

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

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1 S 2. The general municipal law is amended by adding a new section 96-c
2 to read as follows:

3 S 96-C. SALE OR LEASE OF MUNICIPALLY OWNED LAND FOR THE CULTIVATION
4 AND SALE OF FRUITS AND VEGETABLES. 1. NOTWITHSTANDING THE PROVISIONS OF
5 ANY GENERAL, SPECIAL OR LOCAL LAW APPLICABLE TO THE SALE OR LEASE OF
6 REAL PROPERTY BY A MUNICIPALITY, VACANT PUBLIC LAND MAY BE SOLD OR
7 LEASED FOR A CONSIDERATION, WHICH MAY BE NOMINAL, TO A NONPROFIT ORGAN-
8 IZATION TO CULTIVATE AND SELL FRESH FRUITS AND VEGETABLES ON OR OFF THE
9 PROPERTY. FOR PURPOSES OF THIS SECTION, "VACANT PUBLIC LAND" SHALL MEAN
10 ANY LAND OWNED BY A MUNICIPALITY THAT IS NOT IN USE FOR A PUBLIC
11 PURPOSE, IS OTHERWISE UNOCCUPIED, IDLE OR NOT BEING ACTIVELY UTILIZED
12 FOR A PERIOD OF AT LEAST SIX MONTHS.

13 2. ANY DEED, LEASE OR INSTRUMENT BY WHICH REAL PROPERTY IS CONVEYED OR
14 DISPOSED OF PURSUANT TO THIS SECTION SHALL CONTAIN PROVISIONS REQUIRING
15 THE PURCHASER OR LESSEE TO USE SUCH PROPERTY FOR PURPOSES CONSISTENT
16 WITH THE CULTIVATION AND SALE OF FRESH FRUITS AND VEGETABLES.

17 3. A MUNICIPALITY MAY ESTABLISH A PROGRAM IN CONJUNCTION WITH THE
18 COOPERATIVE EXTENSION OR COUNTY EXTENSION ASSOCIATION FOR READY IDEN-
19 TIFICATION OF ACCESSIBLE LAND RESOURCES IN THE MUNICIPALITY AVAILABLE
20 FOR SUCH USE.

21 4. A MUNICIPAL CORPORATION MAY ASSIST THE DEVELOPMENT OF SUCH PROPERTY
22 BY CONTRIBUTING, OR PROVIDING AT COST, FROM RESOURCES UNDER THE CONTROL
23 OF THE MUNICIPALITY, UPON AGREEMENT WITH THE PURCHASER OR LESSEE OF SUCH
24 LAND AS APPROVED PURSUANT TO THE LOCAL FINANCE LAW: INITIAL SITE PREPA-
25 RATION, INCLUDING TOP SOIL AND GRADING; WATER SYSTEMS; PERIMETER FENC-
26 ING; STORAGE BINS OR SHEDS, AND OTHER NECESSARY APPURTENANCES OR EQUIP-
27 MENT.

28 5. A MUNICIPALITY SHALL DISCLOSE TO A PURCHASER OR LESSOR OF PROPERTY
29 UNDER THIS SECTION THAT THE MUNICIPALITY HAS NOT CONDUCTED ANY TESTS ON
30 THE SOIL ON THE PROPERTY AND THE MUNICIPALITY DOES NOT KNOW THE CONDI-
31 TION OF THE SOIL AND MAKES NO REPRESENTATIONS AS TO THE COMPOSITION OF
32 THE SOIL. NOTHING IN THIS SECTION SHALL BE DEEMED TO RELIEVE A MUNICI-
33 PALITY FROM LIABILITY UNDER TITLE FOURTEEN OF ARTICLE TWENTY-SEVEN OF
34 THE ENVIRONMENTAL CONSERVATION LAW.

35 S 3. Section 420-a of the real property tax law is amended by adding a
36 new subdivision 15 to read as follows:

37 15. REAL PROPERTY, SOLD PURSUANT TO SECTION NINETY-SIX-C OF THE GENER-
38 AL MUNICIPAL LAW, USED FOR THE CULTIVATION AND SALE OF FRESH FRUITS AND
39 VEGETABLES BY A CORPORATION OR ASSOCIATION SHALL BE EXEMPT FROM TAXA-
40 TION, PROVIDED THAT THE SALE OF SUCH FRUIT AND VEGETABLES IS RELATED AND
41 INCIDENTAL TO THE NONPROFIT PURPOSES OF THE CORPORATION OR ASSOCIATION
42 AND THE NET PROCEEDS RECEIVED BY THE CORPORATION OR ASSOCIATION ARE USED
43 TO FURTHER THE NONPROFIT PURPOSES OF THE CORPORATION OR ASSOCIATION.

44 S 4. This act shall take effect immediately.