

# STATE OF NEW YORK

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3588--A

Cal. No. 666

2017-2018 Regular Sessions

## IN SENATE

January 25, 2017

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Introduced by Sens. COMRIE, ADDABBO, MONTGOMERY -- read twice and ordered printed, and when printed to be committed to the Committee on Agriculture -- recommitted to the Committee on Agriculture in accordance with Senate Rule 6, sec. 8 -- reported favorably from said committee, ordered to first report, amended on first report, ordered to a second report and ordered reprinted, retaining its place in the order of second report

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 § 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.

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

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4. (a) The goals of the task force may include, but are not limited to, the study, evaluation and development of recommendations: (i) to encourage the establishment and expansion of community gardens by state agencies, municipal governments and private parties, (ii) to encourage cooperation between the activities and operations of community gardens and provision of donated food to local voluntary food assistance programs for the poor and disadvantaged, (iii) to increase the benefits that community gardens may provide to the local community in which they are located, ~~[and]~~ (iv) to encourage cooperation with community-based organizations to increase the opportunities for seniors, those aged sixty years of age or older, to participate in community gardens, (v) to develop after school programs that establish, maintain and expand community gardens, and (vi) to encourage the development and expansion of community gardens in food deserts as defined in section two hundred sixty of this chapter.

(b) In achieving the goals of the task force, the task force may consider recommendations that: (i) encourage the execution of conservation easements by state agencies, municipalities or private parties to establish or protect community gardens, (ii) encourage the creation of mechanisms to transfer development rights to protect community gardens or encourage the donation or lease of lands for community gardens, (iii) development of model zoning codes, local land use laws or other municipal policies that could encourage the establishment or retention of community gardens, and (iv) any other activity to achieve the goals deemed appropriate by the task force according to the provisions of this article.

5. The task force shall submit a report to the governor and the legislature on or before January first, two thousand nineteen and on or before January first of each fifth year thereafter on the status of community gardens in New York state. Such report shall include:

- (a) the number, nature and geographic location of community gardens;
- (b) a description of the costs, benefits and impacts of community gardens;
- (c) an assessment of the successes, failures and barriers in developing, maintaining and expanding community gardens;
- (d) lists of funding sources available to develop and expand community gardens along with the requirements for obtaining the funding;
- (e) an assessment of the funding, requirements and barriers for double the number of existing community gardens;
- (f) a discussion of the goals outlined in subdivision four of this section and a description of the steps and projects undertaken to meet the goals for the task force as established in this section;
- (g) an action plan for doubling the number of community gardens in the state of New York;
- (h) recommendations for developing, maintaining and expanding community gardens in food deserts; and
- (i) any other recommendations or assessments the task force deems appropriate for the report.

Between report due dates, the commissioner shall maintain the necessary records and data required to satisfy such report requirements and to satisfy information requests received from the governor and the legislature between such report due dates.

§ 2. This act shall take effect immediately.