

# STATE OF NEW YORK

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584

2019-2020 Regular Sessions

## IN SENATE

(Prefiled)

January 9, 2019

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Introduced by Sen. KENNEDY -- 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 § 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 § 3. Subdivision 1 of section 16-m of section 1 of chapter 174 of the  
20 laws of 1968, constituting the New York state urban development corpo-  
21 ration act, is amended by adding a new paragraph (o) to read as follows:

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

LBD02774-01-9

1 (o) Loans, loan guarantees, interest subsidies and grants to busi-  
2 nesses, municipalities, not-for-profit corporations or local development  
3 corporations for the purpose of attracting, maintaining or permitting  
4 the expansion of food retail establishments in underserved areas. For  
5 purposes of this paragraph, "underserved areas" shall include low or  
6 moderate-income census tracts, areas of below average supermarket densi-  
7 ty or having a supermarket customer base with more than fifty percent  
8 living in low-income census tracts, or other areas demonstrated to have  
9 significant access limitations due to travel distance, as determined by  
10 the corporation, and "food retail establishments" shall include super-  
11 markets and other grocery retailers that operate on a self-service basis  
12 and sell a minimum percentage of produce, meat, poultry, seafood, baked  
13 goods and/or dairy products and which:

14 (i) participate in the pride of New York program;  
15 (ii) accept payment from electronic benefit transfer through the  
16 supplemental nutrition assistance program and through the special  
17 supplemental nutrition program for women, infants, and children;  
18 (iii) do not charge a membership fee; and  
19 (iv) hire residents living within a twenty mile radius of such retail  
20 food establishment.

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