

# STATE OF NEW YORK

735

2021-2022 Regular Sessions

## IN ASSEMBLY

(Prefiled)

January 6, 2021

Introduced by M. of A. D. ROSENTHAL -- read once and referred to the  
Committee on Agriculture

AN ACT to amend the agriculture and markets law, in relation to a commu-  
nity gardens task force

The People of the State of New York, represented in Senate and Assem-  
bly, 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 272 of the laws of 2019, 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.

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  
23 encourage the establishment and expansion of community gardens by state  
24 agencies, municipal governments and private parties, (ii) to encourage

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

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1 cooperation between the activities and operations of community gardens  
2 and provision of donated food to local voluntary food assistance  
3 programs for the poor and disadvantaged, (iii) to increase the benefits  
4 that community gardens may provide to the local community in which they  
5 are located, (iv) to encourage cooperation with community-based organ-  
6 izations to increase the opportunities for seniors, those aged sixty  
7 years of age or older, to participate in community gardens, [and] (v) to  
8 encourage the expansion of the production of fresh fruits and vegetables  
9 in areas served by community gardens so that such fresh produce can be  
10 consumed locally to help encourage healthier life styles and wellness,  
11 and to help reduce the incidence of adult and childhood obesity, (vi) to  
12 develop after school programs that establish, maintain and expand commu-  
13 nity gardens, and (vii) to encourage the development and expansion of  
14 community gardens in food deserts as defined in section two hundred  
15 sixty of this chapter.

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

27 5. The task force shall submit a report to the governor and the legis-  
28 lature on or before January first, two thousand twenty-three and on or  
29 before January first of each fifth year thereafter on the status of  
30 community gardens in New York state. Such report shall include:

31 (a) the number, nature and geographic location of community gardens;  
32 (b) a description of the costs, benefits and impacts of community  
33 gardens;

34 (c) an assessment of the successes, failures and barriers in develop-  
35 ing, maintaining and expanding community gardens;

36 (d) lists of funding sources available to develop and expand community  
37 gardens along with the requirements for obtaining the funding;

38 (e) an assessment of the funding, requirements and barriers for double  
39 the number of existing community gardens;

40 (f) a discussion of the goals outlined in subdivision four of this  
41 section and a description of the steps and projects undertaken to meet  
42 the goals for the task force as established in this section;

43 (g) an action plan for doubling the number of community gardens in the  
44 state of New York;

45 (h) recommendations for developing, maintaining and expanding communi-  
46 ty gardens in food deserts; and

47 (i) any other recommendations or assessments the task force deems  
48 appropriate for the report.

49 Between report due dates, the commissioner shall maintain the neces-  
50 sary records and data required to satisfy such report requirements and  
51 to satisfy information requests received from the governor and the  
52 legislature between such report due dates.

53 § 2. This act shall take effect immediately.