

# STATE OF NEW YORK

8660

## IN SENATE

March 28, 2022

Introduced by Sen. COMRIE -- read twice and ordered printed, and when printed to be committed to the Committee on Agriculture

AN ACT to amend the agriculture and markets law, in relation to providing additional duties of the 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 is amended  
2 by adding a new subdivision 6 to read as follows:

3 6. (a) The task force shall conduct an assessment of all community  
4 gardens located on publicly owned land in the state to determine whether  
5 each of the gardens meets the requirement for designation as a critical  
6 environmental area (CEA) pursuant to paragraph one of subdivision (g) of  
7 section 617.14 of title six of the official compilation of codes, rules  
8 and regulations of the state of New York. The task force shall provide a  
9 status report on the assessment to the governor and the legislature on  
10 or before January first, two thousand twenty-three, and shall complete  
11 such assessment on or before January first, two thousand twenty-four.  
12 The task force shall conduct additional assessments of any new community  
13 gardens on publicly owned land on or before January first, two thousand  
14 twenty-eight and on or before January first of each fifth year thereaft-  
15 er. In conducting the assessment, the task force shall:

16 (i) consult, to the fullest extent possible, with members of each  
17 community garden regarding the garden's characteristics;

18 (ii) consult, to the fullest extent possible, with the department of  
19 environmental conservation regarding the requirements for CEA desig-  
20 nation; and

21 (iii) prepare a written summary of its findings regarding each commu-  
22 nity garden that shall include:

23 (A) the name and address of the garden;

24 (B) the name of the state or local agency that has jurisdiction over  
25 the garden;

26 (C) a description of all the characteristics of the garden that cover  
27 the factors in paragraph one of subdivision (g) of section 617.14 of

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

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1 title six of the official compilation of codes, rules and regulations of  
2 the state of New York;

3 (D) the task force's conclusion as to whether the garden meets the  
4 requirement for CEA designation; and

5 (E) any other information the task force deems appropriate.

6 (b) Upon completion of the assessment, the task force shall, to the  
7 extent possible, provide the written summaries of its findings to a  
8 member of each garden's leadership and, for the community gardens that  
9 meet the requirement for CEA designation, provide the written summaries  
10 of its findings to the agencies with jurisdiction over the gardens,  
11 along with a recommendation that the agencies designate the gardens as  
12 CEAs.

13 § 2. This act shall take effect immediately.