STATE OF NEW YORK

3786--A

2023-2024 Regular Sessions

IN ASSEMBLY

February 8, 2023

Introduced by M. of A. GUNTHER -- read once and referred to the Committee on Agriculture -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

AN ACT to amend the agriculture and markets law, in relation to land used in agricultural production

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. Subdivision 4 of section 301 of the agriculture and markets law is amended by adding two new paragraphs o and p to read as follows:

o. Land that is owned or rented as a farm operation for the preceding two years for the production for sale of crops, livestock or livestock products, that consists of (1) not less than seven acres and an annual gross sales value of five thousand dollars or more; or (2) less than seven acres and an annual gross sales value of thirty-five thousand dollars or more. Such farm operation shall also be able to establish that the farm operation will meet the gross sales value requirements described in paragraph f of this subdivision within three years of attaining an agricultural assessment. The commissioner or the advisory board established pursuant to section three hundred nine-a of this article shall create a set of metrics and considerations used by assessors to determine whether the farm operation will meet such gross sales value requirement within three years. Assessors shall use such metrics and considerations and shall give special consideration to farm operations that were awarded any state or federal grants, in particular grants for beginning farmers and grants for economically and socially disadvantaged farmers. The commissioner or the advisory board established pursuant to section three hundred nine-a of this article shall monitor the farm operation's progress, as well as connect to resources to ensure the farm operation meets the gross sales value requirement within the time allotted. Land that receives an agricultural assessment and is unable to meet the required gross sales value within three years as described in this

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

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paragraph shall no longer be considered land used in agricultural production pursuant to this subdivision.

p. Land of not less than seven acres that is owned or rented by a newly established farm operation for the production for sale of crops, livestock or livestock products in its first or second year of agricultural production, which does not independently satisfy the gross sales value requirement, but is able to establish that the farming operation will meet the gross sales value requirements described in paragraph f of this subdivision within five years of attaining an agricultural assessment. The commissioner or the advisory board established pursuant to section three hundred nine-a of this article shall create a set of metrics and considerations used by assessors to determine whether the farm operation will meet such gross sales value requirement within five years. Assessors shall use such metrics and considerations and shall give special consideration to farm operations that were awarded any state or federal grants, in particular grants for beginning farmers and grants for economically and socially disadvantaged farmers. The commissioner or the advisory board established pursuant to section three hundred nine-a of this article shall monitor the farm operation's progress as well as connect to resources to ensure the farm operation meets the gross sales value requirement within the time allotted. Land that receives an agricultural assessment and is unable to meet the required gross sales value in five years as described in this paragraph shall no longer be considered land used in agricultural production pursuant to this subdivision.

§ 2. This act shall take effect one year after it shall have become a law and shall apply to assessment rolls prepared on the basis of a taxable status date occurring on or after such date. Effective immediately, the addition, amendment and/or repeal of any rule or regulation necessary for the implementation of this act on its effective date are authorized to be made and completed on or before such effective date.