STATE OF NEW YORK

4139--A

2023-2024 Regular Sessions

IN ASSEMBLY

February 10, 2023

Introduced by M. of A. LUPARDO -- 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 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:

Section 1. Section 31-j of the agriculture and markets law is amended by adding a new subdivision 6 to read as follows:

6. (a) The task force shall conduct an assessment of all community gardens located on publicly owned land in the state to facilitate each eligible garden's designation as a critical environmental area (CEA) pursuant to paragraph one of subdivision (g) of section 617.14 of title six of the official compilation of codes, rules and regulations of the state of New York. The task force shall provide a status report on the assessment to the governor and the legislature on or before January first, two thousand twenty-four, and shall complete such assessment on or before January first, two thousand twenty-five. The task force shall conduct additional assessments of any new community gardens on publicly owned land on or before January first, two thousand twenty-nine and on or before January first of each fifth year thereafter. In conducting the assessment, the task force shall:

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

(ii) consult, to the fullest extent possible, with the department of environmental conservation regarding the requirements for CEA designation; and

(iii) prepare a written summary of its findings regarding each community garden that shall include:

(A) the name and address of the garden;

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

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

(C) a description of all the characteristics of the garden that cover the factors in paragraph one of subdivision (g) of section 617.14 of title six of the official compilation of codes, rules and regulations of the state of New York;

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

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

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

§ 2. This act shall take effect immediately.