

# 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:

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

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

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

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

7 (D) the task force's conclusion as to whether the currently undesig-  
8 nated garden meets the requirement for CEA designation; and

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

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

17 § 2. This act shall take effect immediately.