

# STATE OF NEW YORK

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3546

2023-2024 Regular Sessions

## IN SENATE

January 31, 2023

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Introduced by Sen. KENNEDY -- read twice and ordered printed, and when printed to be committed to the Committee on Corporations, Authorities and Commissions

AN ACT to amend the New York state urban development corporation act, in relation to enacting the food retail establishment subsidization for healthy communities (FRESH Communities) act

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

1 Section 1. Short title. This act shall be known and may be cited as  
2 the "food retail establishment subsidization for healthy communities  
3 act".

4 § 2. Legislative intent. The legislature finds that the lack of access  
5 to fresh foods is a problem of growing concern in many communities  
6 across the state. Substantial increases in urban land values and rents,  
7 limited access to financing and other economic pressures have left many  
8 lower-income residents in urban and rural areas underserved by supermar-  
9 kets and other food retail establishments. The resulting lack of access  
10 to a variety of fresh food retailers makes it more difficult and expen-  
11 sive for these residents to maintain a nutritionally balanced diet and  
12 leads to increased public health costs, dilutes the value of public  
13 assistance for food purchases, leads to greater travel times and energy  
14 expenditures to obtain fresh food, and deprives the state's farmers of  
15 markets for their products. Providing access to financial assistance for  
16 urban and rural supermarkets in underserved areas will remedy these  
17 adverse conditions, create employment opportunities and help to revital-  
18 ize and stabilize currently underserved neighborhoods.

19 § 3. Subdivision 1 of section 16-m of section 1 of chapter 174 of the  
20 laws of 1968, constituting the New York state urban development corpo-  
21 ration act, is amended by adding a new paragraph (p) to read as follows:

22 (p) Loans, loan guarantees, interest subsidies and grants to busi-  
23 nesses, municipalities, not-for-profit corporations or local development

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

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1 corporations for the purpose of attracting, maintaining or permitting  
2 the expansion of food retail establishments in underserved areas. The  
3 corporation shall consider the economic viability of the project and the  
4 potential impact on the community when evaluating applications for such  
5 loans, loan guarantees, interest subsidies and grants. The corporation  
6 shall establish performance indicators to assess the progress of the  
7 projects receiving monies pursuant to the authorization provided in this  
8 paragraph, and track and publish this information on its website. For  
9 purposes of this paragraph, "underserved areas" shall include low or  
10 moderate-income census tracts, areas of below average supermarket densi-  
11 ty or having a supermarket customer base with more than fifty percent  
12 living in low-income census tracts, or other areas demonstrated to have  
13 significant access limitations due to travel distance, as determined by  
14 the corporation, and "food retail establishments" shall include super-  
15 markets and other grocery retailers that operate on a self-service basis  
16 and sell a minimum percentage, as determined by the corporation, of  
17 produce, meat, poultry, seafood, baked goods and/or dairy products and  
18 which:

19 (i) participate in the New York grown and certified program;  
20 (ii) accept payment from electronic benefit transfer through the  
21 supplemental nutrition assistance program and through the special  
22 supplemental nutrition program for women, infants, and children;  
23 (iii) do not charge a membership fee; and  
24 (iv) hire residents living within a twenty mile radius of such retail  
25 food establishment.

26 § 4. This act shall take effect on the first of April next succeeding  
27 the date on which it shall have become a law; provided, however that the  
28 urban development corporation shall be immediately authorized to take  
29 any and all actions necessary to fully implement the provision of  
30 section three of this act on or before such effective date; and provided  
31 further, that the amendments to section 16-m of the urban development  
32 corporation act made by section three of this act shall not affect the  
33 expiration of such section and shall be deemed to expire therewith.