

September 21, 2023

The Honorable Kathy Hochul
Governor of New York State
NYS State Capitol Building
Albany, NY 12224

Re: Support for Bill to Preserve Community Gardens (S.629-A/A.4139-A)

Dear Governor Hochul:

We, the undersigned organizations from across New York State, write today to urge you to support the state's community gardens by signing S.629-A/A.4139-A into law. The bill, which passed the Senate and Assembly unanimously, would support community gardens by requiring the New York State Community Gardens Task Force to assess whether community gardens on publicly owned land are eligible for designation as Critical Environmental Areas (CEAs) and to recommend CEA designation for eligible gardens.

Signing this bill will advance your goal of expanding community gardens,¹ as supporting existing community gardens is a crucial first step to expanding them. During this summer of high food prices, extreme weather, and dangerous air pollution, supporting community gardens is more important than ever. As discussed below, community gardens effectively mitigate all these harms, very often in the marginalized and under-resourced communities that are most burdened by them. In so doing, community gardens are helping to restore communities by providing the critical nature-based resources that enable them to equitably recover their dignity-affirming self-sufficiency, resilience, and sustainability.

Community gardens contribute to a resilient and sustainable food system by supporting local, affordable food production. During the COVID-19 pandemic and subsequent supply chain disruptions, which exposed and exacerbated food insecurity in marginalized and under-resourced communities, community gardens served as a lifeline for many New Yorkers, acting as trusted distribution sites for free fruits and vegetables. Community gardens also allow New Yorkers to grow foods that reflect their diverse backgrounds and cultures. Community gardens thus increase New Yorkers' access to affordable, healthful food while honoring their sense of human dignity.

Community gardens support resilience against extreme weather, which is increasingly common and devastating in New York. Trees and other vegetation in community gardens offer relief from extreme temperatures.² And sustainable, nature-based green infrastructure in community gardens—such as rain-collection systems, pervious surfaces, rain garden plantings, bioswales, and compost-amended soil—helps communities cope with flooding due to extreme precipitation. Heat and flooding disproportionately burden marginalized and under-resourced communities in New York.³ Because community gardens are often located in and stewarded by these communities,⁴ they support equitable resiliency against the effects of extreme weather.

Community gardens also help improve air quality, as their trees and vegetation filter pollutants from the air.⁵ Like extreme weather, air pollution disproportionately burdens marginalized and under-resourced communities, as highways, power plants, and other polluting infrastructure are often located in or near these communities.⁶ Community gardens help address this unequal burden.

Despite offering these and many other benefits, community gardens have few legal protections. Too often, community gardens have been destroyed without appropriate regard for their immense value to the community or adequate opportunity for community input. CEA designation would address these problems by triggering additional procedural steps for proposed projects that threaten designated gardens. Decision-makers would be required to take into account the gardens' important contributions, while ensuring that gardeners' views receive fair consideration. In this way, CEA designation supports an equitable and inclusive decision-making process. By directing the New York State Community Gardens Task Force to collect the information necessary for CEA designation, this bill would bring community gardens closer to the protection they need and deserve.

In short, S.629-A/A.4139-A would help to ensure that community gardens continue to promote sustainability, advance equity, and strengthen New York communities for generations to come. Signing this bill will make clear to New Yorkers that they can and should increase the resilience and vitality of their neighborhoods by investing in community gardens. We urge you to sign this bill, which will benefit all New Yorkers, without delay. Thank you for your timely and thoughtful consideration of this important matter.

Sincerely,

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¹ See New York State Governor Kathy Hochul, State of the State: Achieving the New York Dream 185 (2023), <https://www.governor.ny.gov/sites/default/files/2023-01/2023SOTSBook.pdf>.

² See City of N.Y., Cool Neighborhoods NYC 11 (2017), https://www1.nyc.gov/assets/orr/pdf/Cool_Neighborhoods_NYC_Report.pdf.

³ See John Leland, *Why an East Harlem Street is 31 Degrees Hotter Than Central Park West*, N.Y. Times (Aug. 20, 2021), <https://www.nytimes.com/2021/08/20/nyregion/climate-inequality-nyc.html>; Winnie Hu, *Extreme Weather Is Soaking New York City. Community Gardens Can Help*, N.Y. Times (July 27, 2022), <https://www.nytimes.com/2022/07/27/nyregion/community-gardens-nyc.html>; Christopher Flavelle, Anne Barnard, Brad Plumer, & Michael Kimmelman, *Overlapping Disasters Expose Harsh Climate Reality: The U.S. Is Not Ready*, N.Y. Times (Sept. 2, 2021), <https://www.nytimes.com/2021/09/02/climate/new-york-rain-floods-climate-change.html>.

⁴ See David Brand, *Community Gardens Could Play Key Role in NYC's Outdoor Learning Plan—If the City Lets Them*, Queens Daily Eagle (Aug. 26, 2020), <https://queenseagle.com/all/community-gardens-could-play-key-role-in-nycs-outdoor-learning-plan-if-the-city-lets-them>.

⁵ See Samuel S. T. Pressman & Raymond Figueroa, Jr., *Money Does Grow on Trees: An Equitable Perspective for Increasing Urban Well-Being via Greening Land Valuation and Scaling Ecosystem Services in Communities*, Graduate Ctr. for Planning & The Env't (2019), https://commons.pratt.edu/sesresearch/wp-content/uploads/sites/157/2020/02/2019_Fall_Samuel_Pressman_Report.pdf.

⁶ See Hiroko Tabuchi & Nadja Popovich, *People of Color Breathe More Hazardous Air. The Sources Are Everywhere*, N.Y. Times (Sept. 7, 2021), <https://www.nytimes.com/2021/04/28/climate/air-pollution-minorities.html>.