

# actions

**The NYC Coalition for the Preservation of the Gardens** is a citywide network of gardeners, community members, schools, and organizations working together to preserve community gardens in all five boroughs since 1996. We welcome participants in this struggle and urge you to help us continue to build our network of support.

## WHAT YOU CAN DO:

- **Get involved in the movement.** Share the information in this newsletter with neighbors, friends and other gardeners in your community. Make a donation of whatever you can afford to NYC Coalition to support the fight. Call to volunteer your time and talents.
- **Join NYC Coalition for the Preservation of the Gardens.** Contact our office and mail the form in this newsletter today!
- **Attend Monthly NYC Coalition meetings.** Meetings are held the second Wednesday of every month at 7:00pm. Call (212) 777-7969 for locations.
- **Join our list of supporters and endorsers.** Have your garden or organization write a letter in support of NYC Coalition for the Preservation of Gardens and mail to our office.
- **Contact your Community Board: tell them you support community gardens and ask what is being done to preserve the gardens in your neighborhood.** The city has begun a process which allows the transfer of a few gardens to the Parks Department as long as they receive Community Board approval. Ask your Board if they know of this process and how to get gardens near you on the list.
- **Support S.4720-A, a bill before the State Senate which would designate community gardens as New York park lands and prohibit the sale of community garden sites without Community Board approval.** Call or Write Senator John Sampson of Brooklyn to thank him for introducing this bill at (718) 649-7653. Write to your state senator and to Governor Pataki to ask for their support of Senator Sampson's bill.

WRITE AND CALL:

## GARDEN TRUSTS continued from page 1, column 3

is to put them beyond the reach of politicians on the make. One way to do this is through the creation of a *Community Garden Trust*. A garden trust can be easily created. It would require the City of New York, which owns the land on which the community gardens are located, to transfer this land to a non-profit entity (the "Garden Trust") to administer for the benefit of the communities in which the gardens are located and of the public at-large. The transfer, as well as the land itself, would be exempt from State and City real estate taxation so long as the land is used exclusively for community gardening, public educational and cultural activities.

Land trusts have been widely used as a vehicle to preserve environmentally important tracts of land from development. New York State's 1997 Draft Open Space Conservation Plan advocates "the formation of more local and regional land trusts to make possible grassroots conservation activities in more areas of the state." A community garden trust run by New York's community gardeners would preserve scarce green space through "grass-roots conservation" in the inner-city. It presents a unique opportunity for institutional capacity building in low-income communities where very few public institutions are controlled by local residents.

The gardens would be maintained by neighborhood volunteers, as they are now. The Trust would enter into license agreements with gardening groups and community organizations (the "Sponsors") that agree to maintain the gardens in accordance with the Trust's rules. If a garden Sponsor failed to maintain the garden, keep it accessible to the public or otherwise abide by the rules of the Trust, it would forfeit its license and

another Sponsor would be found. The Trust would serve as an administrative umbrella for the gardens, with a small staff to help garden Sponsors access technical resources and services.

Members of the Garden Coalition have been meeting to discuss how a land trust might be structured to provide the institutional framework for maintaining the community gardens and empowering communities. There was consensus that the Garden Trust should be a membership organization governed by a Board of Trustees, the majority of whom are elected by the member gardens. Each garden transferred to the Trust by the City, or otherwise acquired, would be a member of the Garden Trust entitled to vote for the Trustees. (of the Garden Sponsor's membership would decide how the Garden casts its vote.) A city-wide balance on the Board of Trustees could be achieved by a system of proportional representation for each borough.

As a result of advocacy by the New York City Environmental Justice Alliance, New York State has amended the Open Space Conservation Plan to include community gardens generally in the category of "Inner City's Underserved Community Park." The gardens are now priority projects eligible for funding from the Environmental Protection Fund which provides \$100 million yearly for open space and other projects. This Fund could pay for capital improvements to the gardens and other public and private sources are available to fund the on-going administrative expenses of the Garden Trust. In exchange for the gift of the land to the Trust, the City obtains over 200 acres of community enhancing open space that will be maintained free of charge — forever.

## Voices From the Grassroots:

*This new column strives to represent the thoughts and opinions of the diverse group of people who comprise the NYC Coalition.*

A title transfer made over a land held in adverse possession by the deed owner without concordance or in defiance of the occupation is invalid until all claims, liens, debts or obligations are addressed. That is, the City or private owner cannot sell land held in adverse possession until that claim is settled or otherwise resolved.