

AN ACT

6-270

Codification,
New, Chapter 9
of title 33
(1987 supp.)

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

To establish a Food Production and Urban Gardens program in
the District of Columbia.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA,
That this act may be cited as the "Food Production and Urban
Gardens Program Act of 1986".

Sec. 2. For the purposes of this act, the term:

New, D.C. Code
sec. 33-901
(1987 supp.)

(1) "Food" means any substance produced from the
ground for human consumption and nourishment, such as
vegetables, fruits, and nuts.

(2) "Urban gardens" means any vacant lot used for
the growing of food, flowers, or greenery.

(3) "Vacant lot" means any lot in the District of
Columbia on which there is no lawful structure.

Sec. 3. Pursuant to section 419 of the District of
Columbia Comprehensive Plan Act of 1984, effective April 10,
1984 (D.C. Law 5-76; 10 DCMR 107), the Mayor of the District
of Columbia ("Mayor") shall establish a Food Production and
Urban Gardens program, which shall include, but not be

New, D.C. Code
sec. 33-902
(1987 supp.)

projects in the summer employment programs operated by the District of Columbia government;

(C) The provision by the Cooperative Extension Service of the University of the District of Columbia of technical assistance and research in the form of educational materials and programs for citizen gardening and self-help food production efforts;

(D) Coordination with the Board of Education of the District of Columbia, both on the use of suitable portions of buildings and grounds for urban gardens, and on the development of instructional programs in science and gardening that prepare students for related career opportunities such as restaurant produce supply, landscaping, and floral design;

(E) The encouragement of food buying clubs and produce markets throughout the District of Columbia to increase the supply of and demand for urban gardens; and

(F) The development of incentives and community outreach efforts to promote the availability of vacant lots for participation in the Food Production and Urban Gardens program.

Sec. 4. Within 90 days of the effective date of this act, the Mayor shall develop proposed rules to implement the provisions of this act. The proposed rules shall be submitted to the Council of the District of Columbia

New, D.C. Code
sec. 33-903
(1987 supp.)


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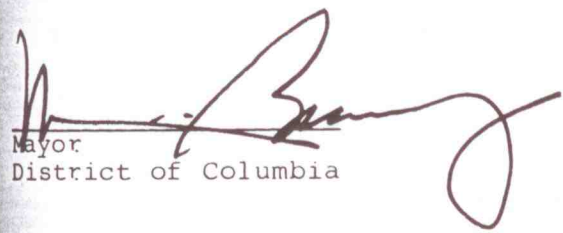
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("Council"), for a 45-day period of review, excluding Saturdays, Sundays, legal holidays, and days of Council recess. If the Council does not approve or disapprove the proposed rules, in whole or in part, by resolution within this 45-day review period, the proposed rules shall be deemed approved.

Sec. 5. This act shall take effect after a 30-day period of Congressional review following approval by the Mayor (or in the event of veto by the Mayor, action by the Council of the District of Columbia to override the veto) as provided in section 602(c)(1) of the District of Columbia Self-Government and Governmental Reorganization Act, approved December 24, 1973 (87 Stat. 813; D.C. Code, sec. 233(c)(1)).


Chairman
Council of the District of Columbia


Mayor
District of Columbia

Approved: 1-8-87

Introduced as Bill 6-228 on May 14, 1985 by Councilmember Smith.

FIRST READING: 11-25-86; Adopted by unanimous voice vote; Schwartz absent.

FINAL READING: 12-16-86; Adopted by unanimous voice vote; all present.

Transmitted to the Mayor: 12-23-86

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Council of the District of Columbia Report

District Building

14th and E Streets, N.W.

Washington, D.C. 20004

724-8000

To: Members of the Council of the District of Columbia

From: David A. Clarke, Chairman, Committee of the Whole

Date: November 25, 1986

Subject: Bill 6-228, Food Production and Urban Gardens Program Act of 1986

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OFFICE OF THE SECRETARY
DISTRICT OF COLUMBIA

The Committee of the Whole, to which Bill 6-228, Food Production and Urban Gardens Program Act of 1986, was referred, reports favorably on the bill as amended and recommends its adoption by the Council of the District of Columbia.

Statement of Purpose and Effect

Bill 6-228 establishes a Food Production and Urban Gardens program in the District of Columbia. The bill requires the Mayor to develop mechanisms to encourage the donation and cultivation of vacant lots for participation in the program.

Legislative History

May 14, 1985	Bill 6-228 introduced by Councilmember Smith and co-sponsored by Councilmembers Rolark, Mason, Crawford, Winter and Wilson
May 24, 1985	Notice of Bill 6-228 published in <u>D.C. Register</u>
September 3, 1985	Public roundtable
November 25, 1986	Committee mark-up

Background

Bill 6-228 establishes a program to facilitate the creation of urban gardens throughout the District of Columbia. The bill requires the Mayor to develop and promote mechanisms that will encourage the donation and cultivation of vacant lots for use in the program. The required mechanisms include the maintenance and quarterly publication of a comprehensive inventory of vacant lots that are available for participation in the program, and the development of standard agreement forms, to be made readily available for execution by citizens and the owners of vacant lots, which relieve owners of maintenance and insurance

responsibilities in exchange for cultivation by citizens of urban gardens on vacant lots. Another mechanism is the provision of technical assistance to gardeners by the Cooperative Extensive Service of the University of the District of Columbia (UDC).

The Office of Planning estimates that there are approximately 20,000 vacant lots in the District that may be available for use in the Food Production and Urban Gardens program. The program's use of vacant lots serves several valuable purposes in a largely built-up urban environment where land resources are scarce:

1) For the gardeners, significant quantities of food can be produced in relatively small spaces at low cost, thereby enhancing self-sufficiency;

2) For vacant lot owners and neighborhoods, cultivation of urban gardens on the lots addresses a maintenance problem that is often associated with vacant lots, thereby enhancing the cleanliness and aesthetics of the neighborhood; and

3) For the community as a whole, the facilitation of urban gardening provides healthy outdoor recreational, educational, and employment opportunities for individuals and families of all ages and income.

Bill 6-228 also requires the Mayor to encourage and coordinate self-help food production and urban gardening projects sponsored by non-profit groups, such as Garden Resources of Washington, and by other public programs, such as the summer youth employment program and public school instruction.

Impact on Existing Law

The adoption of Bill 6-228 is intended to require implementation by the executive branch of the Food Production and Urban Gardens objective cited in section 419 of the District of Columbia Comprehensive Plan Act of 1984, effective April 10, 1984 (D.C. Law 5-76; 10 DCMR 107).

Section-by-Section Analysis

Section 1 provides a short title, Food Production and Urban Gardens Program Act of 1986.

Section 2 defines the terms "food", "urban gardens", and "vacant lot".

Section 3 requires the Mayor to establish a Food Production and Urban Gardens program in furtherance of policies enacted in the Comprehensive Plan. The intent of the requirement is to provide the Mayor the flexibility to delegate the authority to administer various aspects of the program to appropriate District agencies.

The primary component of the program is the requirement upon the executive branch to collect, maintain, and publicize regularly a comprehensive and updated inventory of vacant lots that are suitable for cultivation as urban gardens.

The executive also is required to develop mechanisms to facilitate voluntary agreements between owners of vacant lots and citizens who wish to garden. One of the mechanisms cited is the availability of a standard form agreement between an owner and citizens which would transfer the owner's maintenance and insurance responsibilities to the gardeners in exchange for permission to use the vacant lot as an urban garden. The intent here is to require the District government to design the agreement in a manner which provides an incentive for the vacant lot owner's participation in the program and which also ensures that any insurance liability assumed by groups of citizens is inexpensive.

The executive is further required to encourage and coordinate self-help food production and urban gardening projects of non-profit groups, such as Garden Resources of Washington, and other public entities, such as the summer youth employment program, the University of the District of Columbia Cooperative Extension Service, and the Board of Education.

Section 4 requires the Mayor, within 90 days of the effective date of the act, to submit to the Council rules that implement the provisions of the act. The rules become effective after a 45-day Council review period, unless the Council approves or disapproves of the rules by resolution during the period.

Section 5 provides the effective date.

Fiscal Impact

The enactment of Bill 6-228 is expected to have no significant fiscal impact on the District of Columbia, because the bill would primarily require the systematic coordination of many functions that are already performed by agencies of the District of Columbia government. For example, the Office of Planning currently maintains a list of vacant lots in the District, the Department of Public Works administers a similar program regarding the planting of trees on vacant public space, and the U.D.C. Cooperative Extension Service currently provides technical assistance to urban gardeners.

Position of the Executive Branch

In comments dated June 28, 1985, and in testimony at the public roundtable on September 3, 1985, the executive branch supported the purposes of the proposed legislation. The following major changes, recommended by the executive branch, to the the introduced version of Bill 6-228 have been incorporated into the amendment in the nature of a substitute to Bill 6-228:

1) The Mayor, rather than an independent Commission, is authorized to carry out the purposes of the legislation;

2) The revised bill deletes originally proposed requirements upon owners of vacant lots to register with the District government and to state their intentions with respect to the building of structures on those lots; and

3) The revised bill clarifies that participation in the Food Production and Urban Gardens program is strictly voluntary, and subject to negotiated agreements, provided in standard forms by the District government, that transfer maintenance and insurance responsibilities from the owners of vacant lots to the citizens who cultivate gardens on those lots.

Committee Action

On October 1, 1985, the Committee held a public roundtable on Bill 6-228. The following witnesses appeared at the roundtable: Alvin McNeal, D.C. Office of Planning; William B. Easley, U.D.C. Cooperative Extension Service; John Farmer, Greater Washington Board of Trade; Jay Weeks, Garden Resources of Washington; John Jones, United Planning Organization, Adopt-a-Block; Faye Lee, Trinity Towers Apartment Association; Ola Lee Williams and Pat Dougherty, Columbia Heights Village; Bonnie Wahiba, Vernon Street Adopt-a-Block; Cheryl Wallace, Neighbors United; Marie Whitfield, Park Morton Dwellings; Louise Trawick, 700 block of Otis Place Adopt-a-Block; and Carrie Felton, BannekerNeighborhood Concerned Citizens.

The Committee considered an amendment in the nature of a substitute to Bill 6-228 at its regular meeting of November 25, 1986. The Committee approved the amendment in the nature of a substitute, Bill 6-228 as amended and this Report by voice votes (Clarke, Crawford, Jarvis, Kane, Mason, Ray, Rolark, Shackleton, Smith, Spaulding, Wilson and Winter present; Schwartz absent).

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<u>6-228</u>	20
IN THE COUNCIL OF THE DISTRICT OF COLUMBIA	23
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That this act may be cited as the "Food Production and Urban Gardens Program Act of 1986".	36 37 38 39 40
Sec. 2. For the purposes of this act, the term:	41
(1) "Food" means any substance produced from the ground for human consumption and nourishment, such as vegetables, fruits, and nuts.	42 43 44 45 46 47 48
(2) "Urban gardens" means any vacant lot used for the growing of food, flowers, or greenery.	49 50 51 52
(3) "Vacant lot" means any lot in the District of Columbia on which there is no lawful structure.	53 54 55 56
Sec. 3. Pursuant to section 419 of the District of	57

Columbia Comprehensive Plan Act of 1984, effective April 10, 1984 (D.C. Law 5-76; 10 DCMR 107), the Mayor of the District of Columbia ("Mayor") shall establish a Food Production and Urban Gardens program, which shall include, but not be limited to, the following elements:

(a) Collection and maintenance of an up-to-date and comprehensive inventory of vacant lots, listed by categories, including, but not limited to:

(1) Specific location, by address and by advisory neighborhood commission designation;

(2) Size; and

(3) Dates of availability, by voluntary donation and through negotiated agreement, for use in the Food Production and Urban Gardens program;

(b) Public accessibility to the updated inventory of vacant lots described in subsection 3(a) by various means, including, but not limited to, publication of the inventory at least every 3 months in the District of Columbia Register;

(c) Development, implementation, and promotion of policies that encourage the donation and cultivation of vacant lots for use in the Food Production and Urban Gardens program, including, but not limited to:

(1) The development of standard agreement forms, to be made readily available for execution by citizens and the owners of vacant lots, which relieve owners of maintenance and insurance responsibilities in exchange for cultivation by citizens of urban gardens on vacant lots;

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(2) The inclusion of community gardening projects in the summer employment programs operated by the District of Columbia government;

(3) The provision by the Cooperative Extension Service of the University of the District of Columbia of technical assistance and research in the form of educational materials and programs for citizen gardening and self-help food production efforts;

(4) Coordination with the Board of Education of the District of Columbia, both on the use of suitable portions of buildings and grounds for urban gardens, and on the development of instructional programs in science and gardening that prepare students for related career opportunities such as restaurant produce supply, landscaping, and floral design;

(5) The encouragement of food buying clubs and produce markets throughout the District of Columbia to increase the supply of and demand for urban gardens; and

(6) The development of incentives and community outreach efforts to promote the availability of vacant lots for participation in the Food Production and Urban Gardens program.

Sec. 4. Within 90 days of the effective date of this act, the Mayor shall develop proposed rules to implement the provisions of this act. The proposed rules shall be submitted to the Council of the District of Columbia ("Council"), for a 45-day period of review, excluding Saturdays, Sundays, legal holidays, and days of Council

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