

House Bill 1165

By: Representatives Scott of the 76th, Cameron of the 1st, Davis of the 87th, Schofield of the 63rd, and Taylor of the 92nd

A BILL TO BE ENTITLED
AN ACT

1 To amend Chapter 8 of Title 50 of the Official Code of Georgia Annotated, relating to
2 Department of Community Affairs, so as to require such department to compile a list of state
3 owned real property that may be used for community gardens; to provide for the
4 establishment and maintenance of community gardens in certain municipalities; to provide
5 requirements for such community gardens; to provide for funding of such community
6 gardens by the municipality; to authorize the lease or other availability of state owned real
7 property for use as community gardens; to provide for construction; to require cooperation
8 from state agencies; to provide for definitions; to provide for legislative findings; to provide
9 for a short title; to provide for related matters; to repeal conflicting laws; and for other
10 purposes.

11 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

12 **SECTION 1.**

13 This Act shall be known and may be cited as the "Georgia Urban Sustainable Gardens Act."

14 **SECTION 2.**

15 The General Assembly finds that:

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- 16 (1) Many urban areas in Georgia lack access to affordable, fresh produce, leading to food
17 insecurity and nutrition related health issues;
- 18 (2) Numerous vacant lots and underutilized public spaces remain idle while communities
19 face environmental, economic, and social challenges;
- 20 (3) Community gardens can improve air quality, reduce urban heat, promote healthy
21 lifestyles, and expand green spaces in urban environments; and
- 22 (4) Urban gardening initiatives foster environmental awareness, engage residents, provide
23 educational opportunities for youth, and contribute to state-wide sustainability and public
24 health goals.

25 **SECTION 3.**

26 Chapter 8 of Title 50 of the Official Code of Georgia Annotated, relating to Department of
27 Community Affairs, is amended by adding a new article to read as follows:

28 "ARTICLE 14

29 50-8-320.

30 As used in this article, the term:

31 (1) 'Community garden' means any real property containing shared individual plots of
32 land used for growing food, herbs, or flowers by residents of a municipality for the
33 benefit of all residents of a municipality.

34 (2) 'Department' means the Department of Community Affairs.

35 (3) 'Municipality owned real property' means any improved or unimproved real property
36 owned by a municipality and under the jurisdiction of such municipality.

37 (4) 'Park' shall have the same meaning as set forth for the term 'park' or 'recreational area'
38 in Code Section 12-3-30.

39 (5) 'State owned real property' means any improved or unimproved real property owned
40 by this state and under the jurisdiction of any state agency.

41 50-8-321.

42 Not later than December 31, 2026, the department, in consultation with the State Properties
43 Commission and the Department of Natural Resources, shall compile a list of all unused
44 state owned real property that may be suitable and desirable for use, whether in whole or
45 in part, as a community garden in accordance with Code Section 50-8-322. Suitability and
46 desirability of state owned real property for use as a community garden shall be determined
47 based on criteria established by the department, in consultation with horticulturists,
48 community food systems specialists, and other appropriate experts.

49 50-8-322.

50 (a) Not later than December 31, 2027, and subject to the availability of state owned real
51 property identified pursuant to Code Section 50-8-321 for such purposes and the approval
52 of the State Properties Commission, which approval shall not be unreasonably withheld,
53 in each municipality having a population of 25,000 or more according to the United States
54 decennial census of 2000 or any future such census, the municipal governing authority
55 shall establish, operate, and maintain at least one community garden within the corporate
56 limits of such municipality.

57 (b) Each community garden established in a municipality pursuant to subsection (a) of this
58 Code section shall:

59 (1) Be accessible to residents of such municipality during hours established by the
60 municipal governing authority; provided, however, that such hours shall be consistent
61 with the purposes of this article;

62 (2) Be operated in coordination with the state park system, as described in Code Section
63 12-3-31, and nonprofit organizations; and

64 (3) Provide individual plots of land at no cost to residents of such municipality for the
65 purpose of growing food, herbs, or flowers. Such plots shall be allocated to such
66 residents based on criteria, terms, and conditions as established by the municipal
67 governing authority for that municipality.

68 (c) The funds necessary for establishing, maintaining, and operating any community
69 garden in a municipality pursuant to this Code section shall come from appropriations by
70 the municipal governing authority or other available funding, including, without limitation,
71 any donations or gifts of real or personal property.

72 (d) Notwithstanding anything to the contrary, nothing in this article shall be construed to
73 preclude a municipal governing authority from using municipality owned real property to
74 establish, operate, and maintain a community garden in accordance with subsection (a) of
75 this Code section; provided, however, that any such municipality owned real property shall
76 satisfy any criteria concerning suitability and desirability for use as a community garden
77 pursuant to Code Section 50-8-321.

78 50-8-323.

79 The State Properties Commission shall be authorized to lease or otherwise make available
80 to a municipality any state owned real property identified pursuant to Code 50-8-321 and
81 perform all acts necessary to fulfill the purposes of this article. All state agencies shall
82 cooperate with the department and each municipal governing authority in their efforts to
83 perform any duties and tasks under this article."

84 **SECTION 4.**

85 All laws and parts of laws in conflict with this Act are repealed.