

  
Councilmember Mary M. Cheh

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28  
29  
30  
31  
32  
33

A PROPOSED RESOLUTION

\_\_\_\_\_  
IN THE COUNCIL OF THE DISTRICT OF COLUMBIA  
\_\_\_\_\_

To declare the existence of an emergency with respect to the need to amend the Food Production and Urban Gardens Program Act of 1986 to amend the soil testing requirements for the Urban Farming Land Lease program and prevent delays in implementation of the program.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the “Urban Farming Land Lease Emergency Declaration Resolution of 2019”.

Sec. 2. (a) Expanding urban farming in the District will increase the amount of fresh, healthy, locally-grown produce that is available to District residents and create opportunities for employment and entrepreneurship in the agricultural sector.

(b) The Urban Farming Land Lease Program (“Program”), currently operated by the Department of General Services (“DGS”), aims to increase urban farming in the District by allowing urban farmers to lease vacant public land to create and maintain urban farms.

(c) The Fiscal Year 2020 Budget Support Act of 2019 moves implementation of the Program from DGS to the Department of Energy and Environment (DOEE).

(d) Recently, there have been significant delays to implementation of the Program due to the statutory requirements for soil testing. Under current law, lessees must prove that the soil has

34 been tested for, and found to be substantially free of, contamination from arsenic, lead, and  
35 heavy metals, regardless of how the lessees intend to use the land.

36 (e) In March 2019, two farmers were awarded leases for public land under the Program;  
37 however, neither has received even a draft lease for review because DGS has not yet established  
38 soil testing standards. Neither farmer intends to grow food in the site soil, but instead plan to use  
39 hydroponic towers, raised beds, or other techniques. DGS has said that the leases may be delayed  
40 by close to a year as the agency finalizes soil testing standards.

41 (f) As neither of the lessees' operations will be affected by contaminated site soil,  
42 emergency legislation is needed to authorize the implementing department to waive the  
43 requirement when the lessee does not use the site soil, provided that the lease agreement includes  
44 a provision stating that the lessee will not plant in or use the site soil on the leased property. This  
45 emergency legislation will allow Program lessees for which the Department determines soil  
46 testing is unnecessary to move forward with their leases without further delay while the soil  
47 testing standards are being finalized.

48 (g) Emergency legislation is also needed to clarify changes made to the Program in The  
49 Fiscal Year 2020 Budget Support Act of 2019 in order prevent additional delays in Program  
50 implementation after its transfer to DOEE is effective on October 1, 2019. Specifically,  
51 emergency legislation is needed to clarify that the land leases would be with the District, not  
52 DOEE, and to provide that DOEE will consult with DGS to identify vacant public land.

53 Sec. 3. The Council of the District of Columbia determines that the circumstances  
54 enumerated in section 2 constitute emergency circumstances making it necessary that the Urban  
55 Farming Land Lease Amendment Emergency Amendment Act of 2019 be adopted after a single  
56 reading.

**Sec. 4. This resolution shall take effect immediately.**