



NEW YORK CITY LAW DEPARTMENT
OFFICE OF THE CORPORATION COUNSEL

Michael A. Cardozo, Corporation Counsel

Press Release

Web: [nyc.gov/html/law/home.html](http://www.nyc.gov/html/law/home.html)

For Immediate Release

**STATE SUPREME COURT AGREES THAT CITY OWNED LOTS WITH
TEMPORARY COMMUNITY GARDENS MAY BE DEVELOPED BY NEW YORK
CITY**

Contact: Kate O'Brien Ahlers, Communications Director (212) 788-0400, Kahlers@law.nyc.gov

New York, April 22, 2002 -- A State Supreme Court Justice issued a decision on April 8 agreeing with the City's program to develop affordable housing or other neighborhood projects on vacant City-owned lots that contain temporary community gardens. Commenting on the decision, Susan Kath, Environmental Law Division Chief of the New York City Law Department, stated: "We are pleased that the Court agreed with our long-standing position that the use of vacant lots as community gardens is only a temporary one."

Many community gardens sit on vacant City-owned lots that are not presently intended for development and thus are unaffected by this decision. However, a small percentage of community gardens sit on lots that the City intends to use for important -- and much needed -- projects, including affordable housing for families and senior citizens.

"This decision unambiguously states that City-owned lots temporarily used as community gardens are not dedicated as parkland and that, in some circumstances, are subject to State rather than local land use review," Kath added. "We are encouraged by the decision and are hopeful that the City will soon resolve the remaining community garden lawsuit."

The New York City Law Department is one of the oldest, largest and most dynamic law offices in the world, ranking among the top three largest law offices in New York City and the top three largest public law offices in the country. Tracing its roots back to the 1600's, the Department's 650-plus lawyers handle more than 100,000 cases and transactions each year in 17 separate legal divisions. The Corporation Counsel heads the Law Department and acts as legal counsel for the Mayor, elected officials, the City and all its agencies. The Department's attorneys represent the City on a vast array of civil litigation, legislative and legal issues and in the criminal prosecution of juveniles. Its web site can be accessed through the City government home page at www.nyc.gov or via direct link at www.nyc.gov/html/law/home.html.

###