

STATE OF NEW YORK

4072

2021-2022 Regular Sessions

IN ASSEMBLY

February 1, 2021

Introduced by M. of A. ABINANTI -- read once and referred to the Committee on Labor

AN ACT to amend the village law, in relation to incorporation of villages; relating to directing a municipal re-organization study; and providing for the repeal of such provisions upon expiration thereof

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

1 Section 1. Section 2-208 of the village law is amended by adding a new
2 subdivision 4 to read as follows:

3 4. The provisions contained in this section shall be suspended until
4 July 1, 2023 for any town upon the affirmative vote of a majority of the
5 town board.

6 § 2. Municipal re-organization study. 1. The department of state is
7 hereby authorized and directed to conduct a study on the existing laws
8 and regulations regarding the incorporation, merger, and dissolution of
9 municipalities for the purpose of making recommendations of amendments
10 to said laws or regulations in order to better serve the needs of resi-
11 dents. For the purpose of this study, municipality shall mean towns and
12 villages.

13 2. The study shall focus on the causes and consequences of the incor-
14 poration, merger, and dissolution of municipalities. (a) When examining
15 causes, the department shall consider, but not be limited to (i) examin-
16 ing how often the process to dissolve, merge, or incorporate a munici-
17 pality is initiated and either succeeds or fails, (ii) the fiscal and
18 economic conditions present in municipalities where a process to merge
19 or dissolve was initiated, and the fiscal and economic conditions of the
20 areas of existing municipalities where the process to incorporate part
21 of them into a new municipality was initiated, (iii) the social and
22 demographic conditions of the populations of municipalities where the
23 process to merge, dissolve, or incorporate a new municipality was initi-
24 ated, including how any difference between populations affected the

EXPLANATION--Matter in italics (underscored) is new; matter in brackets
[-] is old law to be omitted.

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1 initiation of the process to incorporate, merge, or dissolve a municipi-
2 pality.

3 (b) When examining the consequences, the department of state shall
4 consider, but not be limited to (i) examining the effects to property
5 taxes and municipal revenue from successful incorporations, mergers, or
6 dissolutions of municipalities, including effects on local governments
7 collocated with the affected municipalities, including school districts,
8 library districts, sewer districts, and any other special taxing
9 districts, (ii) the effect on the delivery of public services to the
10 residents of the municipalities affected by incorporations, mergers, or
11 dissolutions of municipalities, and (iii) the effects on the economic
12 conditions of the municipalities affected by an incorporation, merger,
13 or dissolution of a municipality.

14 3. To the maximum extent feasible, the department of state shall be
15 entitled to request and receive and shall utilize and be provided with
16 such facilities, resources and data of any department, division, board,
17 bureau, commission or agency of the state as it may reasonably request
18 to properly carry out its responsibilities pursuant to this act.

19 4. The department of state shall consult with the office of the state
20 comptroller, associations representing towns and villages, and local
21 elected officials, when considering and developing the recommendations
22 of amendments to existing laws and regulations governing the incorpo-
23 ration, merger, and dissolution of municipalities.

24 5. The department of state shall within one year of the effective date
25 of this act submit a report of the findings, conclusions and recommenda-
26 tion of amendments from the study to the governor, the speaker of the
27 assembly, the temporary president of the senate, the chairs of the
28 senate finance committee and the assembly ways and means committee, and
29 the chairs of the senate and assembly local government committees.

30 § 3. This act shall take effect immediately; provided, however, that
31 section one of this act shall apply to any petitions for incorporation
32 submitted pursuant to section 2-202 of the village law and currently
33 pending without final disposition on or after January 1, 2021; and
34 provided, further, that this act shall expire and be deemed repealed on
35 and after July 1, 2023.