

STATE OF NEW YORK

4072--A

2021-2022 Regular Sessions

IN ASSEMBLY

February 1, 2021

Introduced by M. of A. ABINANTI -- read once and referred to the Committee on Labor -- recommitted to the Committee on Local Governments in accordance with Assembly Rule 3, sec. 2 -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

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:

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

4. The provisions contained in this section shall be suspended until December 31, 2024 for the town of Greenburgh, Westchester county upon the affirmative vote of a majority of the town board.

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

2. The study shall focus on the causes and consequences of the incorporation, merger, and dissolution of municipalities. (a) When examining causes, the department shall consider, but not be limited to (i) examining how often the process to dissolve, merge, or incorporate a municipality is initiated and either succeeds or fails, (ii) the fiscal and economic conditions present in municipalities where a process to merge or dissolve was initiated, and the fiscal and economic conditions of the areas of existing municipalities where the process to incorporate part of them into a new municipality was initiated, (iii) the social and

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

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1 demographic conditions of the populations of municipalities where the
2 process to merge, dissolve, or incorporate a new municipality was initi-
3 ated, including how any difference between populations affected the
4 initiation of the process to incorporate, merge, or dissolve a munic-
5 ipality.

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

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

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

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

33 § 3. This act shall take effect immediately; provided, however, that
34 section one of this act shall apply to any petitions for incorporation
35 submitted pursuant to section 2-202 of the village law and currently
36 pending without final disposition on or after January 1, 2021; and
37 provided, further, that this act shall expire and be deemed repealed on
38 and after December 31, 2024.