

STATE OF NEW YORK

9108

IN ASSEMBLY

January 31, 2022

Introduced by M. of A. THIELE -- read once and referred to the Committee on Local Governments

AN ACT to amend the general municipal law, in relation to certain notice requirements for the acquisition of real property for open space, historic preservations, or urban renewal purposes

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

1 Section 1. Subdivision 2 of section 247 of the general municipal law,
2 as amended by chapter 892 of the laws of 1972, is amended to read as
3 follows:

4 2. The acquisition of interests or rights in real property for the
5 preservation of open spaces and areas shall constitute a public purpose
6 for which public funds may be expended or advanced, and any county,
7 city, town or village after [~~due notice and~~] a public hearing upon ten
8 days' notice may acquire, by purchase, gift, grant, bequest, devise,
9 lease or otherwise, the fee or any lesser interest, development right,
10 easement, covenant, or other contractual right necessary to achieve the
11 purposes of this chapter, to land within such municipality. In the case
12 of a village the cost of such acquisition of interests or rights may be
13 incurred wholly at the expense of the village, at the expense of the
14 owners of the lands benefited thereby, or partly at the expense of such
15 owners and partly at the expense of the village at large as a local
16 improvement in the manner provided by article twenty-two in the village
17 law entitled local improvements.

18 § 2. Subdivision 3 of section 119-dd of the general municipal law, as
19 added by chapter 354 of the laws of 1980, is amended to read as follows:

20 3. After [~~due notice and~~] a public hearing upon ten days' notice, by
21 purchase, gift, grant, bequest, devise, lease or otherwise, acquire the
22 fee or any lesser interest, development right, easement, covenant or
23 other contractual right necessary to achieve the purposes of this arti-
24 cle, to historical or cultural property within its jurisdiction. After
25 acquisition of any such interest pursuant to this subdivision, the
26 effect of the acquisition on the valuation placed on any remaining

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

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1 private interest in such property for purposes of real estate taxation
2 shall be taken into account.

3 § 3. Subdivisions 2 and 3 of section 505 of the general municipal law,
4 subdivision 2 as amended by chapter 723 of the laws of 1963 and subdivi-
5 sion 3 as amended by chapter 133 of the laws of 1996, are amended to
6 read as follows:

7 2. The urban renewal plan for the designated area, or for a part or
8 portion of such area, shall be submitted to the commission which shall
9 certify, after a public hearing held on [~~due notice~~] ten days' notice,
10 whether such plan complies with the provisions of subdivision seven of
11 section five hundred two of this article and conforms to the finding
12 made pursuant to section five hundred four of this article. The commis-
13 sion shall submit its report to the governing body, not later than ten
14 weeks from the date of referral of the plan to it, certifying its
15 unqualified approval, its disapproval, or its qualified approval with
16 recommendations for modifications therein.

17 3. After a public hearing, held on [~~due notice~~] ten days' notice after
18 the report is received or due from the commission, the governing body
19 may:

20 (a) if the commission shall have certified its unqualified approval,
21 approve the plan by a majority vote;

22 (b) if the commission shall have certified its disapproval or shall
23 have failed to make its report within ten weeks from the date such plan
24 was submitted to it by the agency, nevertheless approve the plan, but
25 only by a three-fourths vote;

26 (c) if the commission shall have certified its qualified approval
27 together with recommendations for modifications, approve the plan
28 together with the modifications recommended by the commission by a
29 majority vote, or approve the plan without such modifications but only
30 by a three-fourths vote.

31 § 4. Section 506 of the general municipal law, as added by chapter 402
32 of the laws of 1961, subdivision 1 as amended by chapter 947 of the laws
33 of 1965, paragraph (a) of subdivision 1 as amended by chapter 748 of the
34 laws of 1967 and paragraph c of subdivision 1 as added by chapter 772 of
35 the laws of 1967, is amended to read as follows:

36 § 506. Acquisition of property. 1. [~~(a)~~] A municipality, acting
37 through its governing body, may acquire by purchase, gift, devise,
38 lease, condemnation or otherwise, in accordance with the provisions of
39 the appropriate general, special or local law applicable to the acqui-
40 sition of real property by such municipality, real property or any inter-
41 est therein, including but not limited to air rights, and easements or
42 other rights of user necessary for the use and development of such air
43 rights, to be developed as air rights sites for the elimination of the
44 blighting influences of an area or areas consisting principally of land
45 in streets, alleys, highways, and other public rights of way, railway or
46 subway tracks, bridge or tunnel approaches or entrances, or other simi-
47 lar facilities which have a blighting influence on the surrounding area,
48 necessary for or incidental to a program of urban renewal for residen-
49 tial, commercial, industrial, public, semi-public, community or other
50 uses or combinations of such uses in accordance with an urban renewal
51 plan for a designated area, or for a part or portion of such area,
52 provided, however, that the acquisition of any air rights over railroad
53 tracks, rights of way or facilities and easements or other rights of
54 user necessary for the use and development of such air rights are to be
55 subject to the provision of section fifty-one-a of the railroad law. The
56 acquisition of real property within a designated urban renewal area

1 shall in every case be deemed to be and constitute a continuous rather
2 than separate takings.

3 [~~(b)~~] 2. Property so acquired by a municipality shall be exempt from
4 taxation until sold, leased for a term not exceeding ninety-nine years
5 or otherwise disposed of in accordance with the provisions of this arti-
6 cle of this chapter; provided however, that any such municipality shall
7 have the power and authority, with respect to such property, to pay or
8 transfer, out of funds available to it for the effectuating of such
9 urban renewal program, annual sums in lieu of taxes to any taxing juris-
10 diction providing services to the urban renewal area, or to the part or
11 portion thereof within such taxing jurisdiction, in order that no such
12 taxing jurisdiction shall suffer an inequitable loss of revenue by
13 virtue of such urban renewal program; provided, further, that the amount
14 so paid or transferred for any year with respect to any such property
15 shall not exceed the lesser of [~~(1)~~]: (a) the sum last levied for the
16 benefit of such taxing jurisdiction as an annual tax on such property
17 prior to the time of its acquisition for urban renewal purposes; or
18 [~~(2)~~] (b) such amount as shall be approved by the commissioner, pursuant
19 to such rules, regulations, limitations and conditions as he may
20 prescribe, as an eligible and proper charge against such urban renewal
21 program. Upon the sale, lease or disposition of such property to any
22 person, firm or corporation not entitled to an exemption from taxation
23 or entitled to only a partial tax exemption such property shall imme-
24 diately become subject to taxation in whole or in part, as the case may
25 be, and shall be taxed pro rata for the unexpired portion of the taxable
26 year.

27 As used in this [~~paragraph~~] subdivision, the term "taxing jurisdic-
28 tion" means any municipal corporation or district corporation, including
29 any school district or any special district, having the power to levy or
30 collect taxes and benefit assessments upon real property, or in whose
31 behalf such taxes or benefit assessments may be levied or collected.

32 [~~(c)~~] 3. Notwithstanding any other provisions of this article, a muni-
33 cipality may acquire by purchase, gift, devise, lease, condemnation or
34 otherwise, upon recommendation of the agency and in accordance with the
35 appropriate provisions of any general, special or local law or charter
36 applicable to the acquisition of real property by such municipality,
37 such real property or any interest therein, within an area designated
38 pursuant to this article as appropriate for urban renewal, as it may
39 deem ultimately necessary or proper to effectuate the purposes of this
40 article although temporarily not required for such purposes, provided
41 that the early acquisition of such property is approved as follows:

42 [~~(1)~~] (a) In a municipality where there is a planning commission, the
43 agency shall submit the proposal for early acquisition to the commission
44 for its approval. Such planning commission shall, not later than ten
45 weeks from the date of the referral of the proposal to it, after a
46 public hearing held on [~~due notice~~] ten days' notice, submit its report
47 to the governing body certifying its unqualified consent, its disap-
48 proval, or its qualified consent with recommendations for modifications
49 of the proposal.

50 After public hearing held on [~~due notice~~] ten days' notice after the
51 report is received or due from the planning commission, the governing
52 body may:

53 (i) if the commission shall have certified its unqualified consent,
54 approve the proposal by a majority vote:

55 (ii) if the commission shall have certified its disapproval or shall
56 have failed to make its report within ten weeks from the date such

1 proposal was submitted to it by the agency, nevertheless approve the
2 proposal, but only by a three-fourths vote:

3 (iii) if the commission shall have certified its qualified consent
4 together with recommendations for modifications of the proposal, approve
5 the proposal together with the modifications recommended by the commis-
6 sion by a majority vote, or approve the proposal without such modifica-
7 tions but only by a three-fourths vote.

8 [~~(2)~~] (b) In a municipality where there is no planning commission, the
9 agency shall submit the proposal to the governing body which, after
10 public hearing held on [~~due notice~~] ten days' notice, may either approve
11 or disapprove the proposal.

12 § 5. Section 555 of the general municipal law, as amended by chapter
13 912 of the laws of 1966, paragraph (a) of subdivision 1 as amended by
14 chapter 748 of the laws of 1967, paragraph (c) of subdivision 1 as added
15 by chapter 311 of the laws of 1968, the opening paragraph of paragraph
16 (c) of subdivision 1 as amended by chapter 247 of the laws of 1970 and
17 subparagraphs 1 and 2 of paragraph (c) of subdivision 1 as amended by
18 chapter 1002 of the laws of 1969, is amended to read as follows:

19 § 555. Acquisition of property. 1. [~~(a)~~] Real property or any interest
20 therein, including but not limited to air rights, and easements or other
21 rights of user necessary for the use and development of such air rights,
22 to be developed as air rights sites for the elimination of the blighting
23 influences over an area or areas consisting principally of land in
24 streets, alleys, highways, and other public rights of way, railway or
25 subway tracks, bridge or tunnel approaches or entrances, or other simi-
26 lar facilities which have a blighting influence on the surrounding area
27 necessary for or incidental to any urban renewal program or part thereof
28 in accordance with an urban renewal plan may be acquired by an agency by
29 gift, grant, devise, purchase, condemnation or otherwise and by a muni-
30 cipality for and on behalf of an agency by condemnation. Property may
31 be acquired by condemnation by an agency or by a municipality for an
32 agency pursuant to the condemnation law or pursuant to the laws relating
33 to the condemnation of land by the municipality for which the agency is
34 acting or the municipality, as the case may be.

35 [~~(b)~~] 2. Property so acquired by an agency, or by a municipality in
36 behalf of an agency, shall be exempt from taxation until sold, leased
37 for a term not exceeding ninety-nine years or otherwise disposed of in
38 accordance with the provisions of this article or article fifteen of
39 this chapter; provided, however, that any such agency shall have the
40 power and authority, with respect to such property, to pay, out of funds
41 available to it for the effectuating of such urban renewal program,
42 annual sums in lieu of taxes to any taxing jurisdiction providing
43 services to the urban renewal area, or to the part or portion thereof
44 within such taxing jurisdiction, in order that no such taxing jurisdic-
45 tion shall suffer an inequitable loss of revenue by virtue of such urban
46 renewal program; provided, further, that the amount so paid for any year
47 with respect to any such property shall not exceed the lesser of [~~(1)~~]:
48 (a) the sum last levied for the benefit of such taxing jurisdiction as
49 an annual tax on such property prior to the time of its acquisition for
50 urban renewal purposes; or [~~(2)~~] (b) such amount as shall be approved by
51 the commissioner, pursuant to such rules, regulation, limitations and
52 conditions as he may prescribe, as an eligible and proper charge against
53 such urban renewal program. Upon the sale, lease or disposition of such
54 property to any person, firm or corporation not entitled to an exemption
55 from taxation or entitled to only a partial tax exemption such property
56 shall immediately become subject to taxation in whole or in part, as the

1 case may be, and shall be taxed pro rata for the unexpired portion of
2 the taxable year.

3 As used in this [~~paragraph~~] subdivision, the term "taxing jurisdic-
4 tion" means any municipal corporation or district corporation including
5 any school district or any special district, having the power to levy or
6 collect taxes and benefit assessments upon real property, or in whose
7 behalf such taxes or benefit assessments may be levied or collected.

8 [~~(e)~~] 3. Notwithstanding any other provisions of this article, an
9 agency may acquire by purchase, gift, devise, condemnation or otherwise,
10 in accordance with the appropriate provisions of any general, special or
11 local law or charter applicable to the acquisition of real property by
12 such agency, such real property or any interest therein, within an area
13 designated pursuant to article fifteen of this chapter as appropriate
14 for urban renewal, as it may deem ultimately necessary or proper to
15 effectuate the purposes of this article although temporarily not
16 required for such purposes, provided that the early acquisition of such
17 property is approved as follows:

18 [~~(1)~~] (a) In a municipality where there is a planning commission, the
19 agency shall submit the proposal for early acquisition to the commission
20 for its approval. Such planning commission shall, not later than ten
21 weeks from the date of the referral of the proposal to it, after a
22 public hearing held on [~~due notice~~] ten days' notice, submit its report
23 to the governing body certifying its unqualified consent, its disap-
24 proval, or its qualified consent with recommendations for modifications
25 of the proposal.

26 After public hearing held on [~~due notice~~] ten days' notice after the
27 report is received or due from the planning commission, the governing
28 body may:

29 (i) if the commission shall have certified its unqualified consent, by
30 majority vote authorize the agency to proceed with the acquisition;

31 (ii) if the commission shall have certified its disapproval or shall
32 have failed to make its report within ten weeks from the date such
33 proposal was submitted to it, nevertheless authorize the agency to
34 proceed with the acquisition, but only by a three-fourths vote;

35 (iii) if the commission shall have certified its qualified consent
36 together with recommendations for modifications of the proposal, author-
37 ize the agency to proceed with the acquisition in accordance with the
38 modifications recommended by the commission, by majority vote, or
39 authorize such acquisition without such modifications but only by a
40 three-fourths vote.

41 [~~(2)~~] (b) In a municipality where there is no planning commission, the
42 agency shall submit the proposal to the governing body which after
43 public hearing held on [~~due notice~~] ten days' notice, may either approve
44 or disapprove the proposal.

45 § 6. This act shall take effect immediately.