S T A T E O F N E W Y O R K

3598

2009-2010 Regular Sessions

I N A S S E M B L Y

January 27, 2009

Introduced by M. of A. CROUCH, WALKER, HAWLEY, McDONOUGH, FINCH -- Multi-Sponsored by -- M. of A. CALHOUN, DUPREY, QUINN, THIELE -- read once and referred to the Committee on Judiciary

AN ACT to amend the eminent domain procedure law, in relation to requiring homeowners to be compensated for reduction in the value of their home due to a diminished viewshed

THE PEOPLE OF THE STATE OF NEW YORK, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. The eminent domain procedure law is amended by adding a new section 306 to read as follows:

S 306. OFFERS FOR DIMINISHED VIEWSHED. (A) WHENEVER A PUBLIC PROJECT IS ESTABLISHED WITHIN ONE THOUSAND FEET OF A RESIDENTIAL DWELLING, THE CONDEMNOR SHALL INVESTIGATE ANY POTENTIAL LOSS IN VALUE OF SUCH REAL PROPERTY DUE TO A DIMINISHED VIEWSHED RESULTING FROM THE PUBLIC PROJECT. IF IT IS DETERMINED THAT THERE IS A LOSS IN VALUE OF SUCH PROPERTY DUE TO THE DIMINISHED VIEWSHED, THE CONDEMNOR SHALL COMPENSATE THE OWNER OF SUCH PROPERTY WITH THE FAIR MARKET VALUE OF THE LOSS.

(B) ALL OFFERS MADE AND NEGOTIATIONS UNDERTAKEN PURSUANT TO THIS SECTION SHALL BE SUBJECT TO THE SAME PROVISIONS AS ALL OTHER ACQUISITIONS PURSUANT TO THIS CHAPTER. A PERSON WHOSE PROPERTY IS AFFECTED UNDER THIS SECTION IS ENTITLED TO THE SAME PROCEDURES FOR DETERMINING JUST COMPENSATION UNDER ARTICLE FIVE OF THIS CHAPTER.

S 2. This act shall take effect immediately and shall apply to any public project that has not been completed as of such effective date.

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

LBD06783-01-9