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

695

2009-2010 Regular Sessions

I N A S S E M B L Y

(PREFILED)

January 7, 2009

Introduced by M. of A. HOYT, McENENY, CANESTRARI, GLICK, BOYLAND, LUPARDO -- Multi-Sponsored by -- M. of A. ABBATE, CAHILL, DelMONTE, GOTTFRIED, MILLMAN, PHEFFER, J. RIVERA, WEISENBERG -- read once and referred to the Committee on Tourism, Arts and Sports Development

AN ACT to amend the general municipal law, in relation to protecting historic districts and landmarks from substantial deterioration by neglect

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

Section 1. Section 96-a of the general municipal law, as added by chapter 513 of the laws of 1968, is amended to read as follows:

S 96-a. Protection of historical places, buildings and works of art. In addition to any power or authority of a municipal corporation to regulate by planning or zoning laws and regulations or by local laws and regulations, the governing board or local legislative body of any county, city, town or village is empowered to provide by regulations, special conditions and restrictions for the protection, enhancement, perpetuation and use of places, districts, sites, buildings, structures, works of art, and other objects having a special character or special historical or aesthetic interest or value. SUCH REGULATIONS, SPECIAL CONDITIONS AND RESTRICTIONS MAY PROHIBIT IMPROPER MAINTENANCE OR LACK OF MAINTENANCE WHICH RESULTS IN SUBSTANTIAL DETERIORATION THAT THREATENS THE AESTHETIC OR HISTORICAL VALUE, STABILITY AND PRESERVATION OF SUCH PLACES, DISTRICTS, SITES, BUILDINGS, STRUCTURES, WORKS OF ART AND OTHER SUCH OBJECTS OF INTEREST OR VALUE. Such regulations, special conditions and restrictions may include appropriate and reasonable control of the use or appearance of neighboring private property within public view, or both. In any such instance such measures, if adopted in the exercise of the police power, shall be reasonable and appropriate to the purpose, or

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

LBD02855-01-9

if constituting a taking of private property shall provide for due compensation, which may include the limitation or remission of taxes.

S 2. Subdivision 1 of section 119-dd of the general municipal law, as added by chapter 354 of the laws of 1980, is amended to read as follows:

1. Provide by regulations, special conditions and restrictions for the protection, enhancement, perpetuation and use of places, districts, sites, buildings, structures, works of art and other objects having a special character or special historical, cultural or aesthetic interest or value. SUCH REGULATIONS, SPECIAL CONDITIONS AND RESTRICTIONS MAY PROHIBIT IMPROPER MAINTENANCE OR LACK OF MAINTENANCE WHICH RESULTS IN SUBSTANTIAL DETERIORATION THAT THREATENS THE AESTHETIC OR HISTORICAL VALUE, STABILITY AND PRESERVATION OF SUCH PLACES, DISTRICTS, SITES, BUILDINGS, STRUCTURES, WORKS OF ART AND OTHER SUCH OBJECTS OF INTEREST OR VALUE. Such regulations, special conditions and restrictions may include appropriate and reasonable control of the use or appearance of neighboring private property within the public view, or both.

S 3. This act shall take effect on the ninetieth day after it shall have become a law.