

695--A

Cal. No. 4

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 -- passed by Assembly and delivered to the Senate, recalled from the Senate, vote reconsidered, bill amended, ordered reprinted, retaining its place on the order of third reading

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:

1 Section 1. Section 96-a of the general municipal law, as added by
2 chapter 513 of the laws of 1968, is amended to read as follows:
3 S 96-a. Protection of historical places, buildings and works of art.
4 In addition to any power or authority of a municipal corporation to
5 regulate by planning or zoning laws and regulations or by local laws and
6 regulations, the governing board or local legislative body of any coun-
7 ty, city, town or village is empowered to provide by regulations,
8 special conditions and restrictions for the protection, enhancement,
9 perpetuation and use of places, districts, sites, buildings, structures,
10 works of art, and other objects having a special character or special
11 historical or aesthetic interest or value. SUCH REGULATIONS, SPECIAL
12 CONDITIONS AND RESTRICTIONS MAY PROHIBIT IMPROPER MAINTENANCE OR LACK OF
13 MAINTENANCE WHICH RESULTS IN SUBSTANTIAL DETERIORATION AS DEFINED IN
14 SECTION ONE HUNDRED NINETEEN-B OF THIS CHAPTER THAT THREATENS THE
15 AESTHETIC OR HISTORICAL VALUE, STABILITY AND PRESERVATION OF SUCH PLAC-
16 ES, DISTRICTS, SITES, BUILDINGS, STRUCTURES, WORKS OF ART AND OTHER SUCH
17 OBJECTS OF INTEREST OR VALUE. Such regulations, special conditions and
18 restrictions may include appropriate and reasonable control of the use

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

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1 or appearance of neighboring private property within public view, or
2 both. In any such instance such measures, if adopted in the exercise of
3 the police power, shall be reasonable and appropriate to the purpose, or
4 if constituting a taking of private property shall provide for due
5 compensation, which may include the limitation or remission of taxes.

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

8 1. Provide by regulations, special conditions and restrictions for the
9 protection, enhancement, perpetuation and use of places, districts,
10 sites, buildings, structures, works of art and other objects having a
11 special character or special historical, cultural or aesthetic interest
12 or value. SUCH REGULATIONS, SPECIAL CONDITIONS AND RESTRICTIONS MAY
13 PROHIBIT IMPROPER MAINTENANCE OR LACK OF MAINTENANCE WHICH RESULTS IN
14 SUBSTANTIAL DETERIORATION AS DEFINED IN SECTION ONE HUNDRED NINETEEN-BB
15 OF THIS ARTICLE THAT THREATENS THE AESTHETIC OR HISTORICAL VALUE,
16 STABILITY AND PRESERVATION OF SUCH PLACES, DISTRICTS, SITES, BUILDINGS,
17 STRUCTURES, WORKS OF ART AND OTHER SUCH OBJECTS OF INTEREST OR VALUE.
18 Such regulations, special conditions and restrictions may include appro-
19 priate and reasonable control of the use or appearance of neighboring
20 private property within the public view, or both.

21 S 3. Subdivision 6 of section 119-bb of the general municipal law is
22 renumbered subdivision 7 and a new subdivision 6 is added to read as
23 follows:

24 6. "SUBSTANTIAL DETERIORATION" MEANS DEGRADATION OF SUCH A NATURE THAT
25 DAMAGING WATER PENETRATION IS NO LONGER PREVENTED, OR THAT CAUSES STRESS
26 OR STRAIN ON STRUCTURAL MEMBER SUPPORTS OR MATERIALS THAT CONTRIBUTE TO
27 COLLAPSE OR WARPING, EVIDENCE OF WHICH MAY INCLUDE PREVIOUSLY FUNCTIONAL
28 BUT NOW DEFECTIVE MATERIALS, BROKEN WINDOWS, COVERINGS AND INTERNAL OR
29 EXTERNAL DECAY.

30 S 4. This act shall take effect on the ninetieth day after it shall
31 have become a law.