

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

1980--A

2009-2010 Regular Sessions

I N S E N A T E

February 10, 2009

Introduced by Sen. VALESKY -- read twice and ordered printed, and when printed to be committed to the Committee on Local Government -- reported favorably from said committee and committed to the Committee on Codes -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

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
19 or appearance of neighboring private property within public view, or
20 both. In any such instance such measures, if adopted in the exercise of
21 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.

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

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

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

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

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

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