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

4942

2009-2010 Regular Sessions

I N A S S E M B L Y

February 10, 2009

Introduced by M. of A. V. LOPEZ -- Multi-Sponsored by -- M. of A. PHEFFER -- read once and referred to the Committee on Local Governments

AN ACT to amend the general municipal law, in relation to urban development action areas

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

Section 1. Subdivision 6 of section 692 of the general municipal law, as amended by chapter 486 of the laws of 1982, is amended to read as follows:

6. "Urban development action area project". A project which shall be consistent with the policy and purposes stated in section six hundred ninety-one of this article, and located in an urban development action area, unless the area designation requirement is waived pursuant to section six hundred ninety-three of this article, PROVIDED THAT AT LEAST SIXTY PERCENT OF THE LAND ON WHICH ANY SUCH PROJECT IS TO BE DEVELOPED IS AN ELIGIBLE AREA. The project summary for an urban development action area project shall include but shall not be limited to: a statement of proposed land uses; proposed public, semi-public, private or community facilities or utilities; a statement as to proposed new codes and ordinances and amendments to existing codes and ordinances as are required or necessary to effectuate the project; a proposed time schedule for the effectuation of such project, and such additional statements or documentation as the agency may deem appropriate.

S 2. Section 693 of the general municipal law, as amended by chapter 701 of the laws of 2006, is amended to read as follows:

S 693. Area designation. 1. An urban development action area shall by resolution be designated by the governing body, or by the commission where so authorized to act by the governing body, on its own initiative or upon recommendation of the agency[, provided at least sixty percent of such area is an eligible area]. Any such designation shall be in conformance with the standards and procedures required for all land use

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

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determinations pursuant to general, special or local law or charter. Provided, however, that if a proposed urban development action area project [is to be developed on an eligible area and] consists solely of the rehabilitation or conservation of existing private or multiple dwellings, the construction of one to four unit dwellings OR THE CONSTRUCTION OF DWELLINGS RESTRICTED TO OCCUPANCY BY THE ELDERLY OR BY PERSONS WITH DISABILITIES or, until June thirtieth, two thousand nine, the construction of up to six urban development action area projects in any calendar year, each containing up to ninety dwelling units financed by the federal government and restricted to occupancy by the elderly or by persons with disabilities without any change in land use permitted by local zoning, the governing body, or the commission where so authorized to act by the governing body, may waive the area designation requirement.

2. A PROPOSAL FOR AN URBAN DEVELOPMENT ACTION AREA OR FOR A PART OR PORTION OF SUCH AREA, SHALL BE SUBMITTED TO THE COMMISSION WHICH SHALL CERTIFY, AFTER A PUBLIC HEARING HELD ON DUE NOTICE, ITS UNQUALIFIED APPROVAL, ITS DISAPPROVAL OR ITS QUALIFIED APPROVAL WITH RECOMMENDATIONS FOR MODIFICATIONS THEREIN. THE COMMISSION SHALL FORWARD ITS CERTIFICATION TO THE GOVERNING BODY.

3. FOLLOWING RECEIPT OF THE COMMISSION'S CERTIFICATION AFTER A PUBLIC HEARING HELD ON DUE NOTICE, THE GOVERNING BODY MAY:

(A) IF THE COMMISSION SHALL HAVE CERTIFIED ITS UNQUALIFIED APPROVAL, APPROVE THE AREA DESIGNATION BY A MAJORITY VOTE;

(B) IF THE COMMISSION SHALL HAVE CERTIFIED ITS DISAPPROVAL NEVERTHELESS APPROVE THE AREA DESIGNATION, BUT ONLY BY A THREE-FOURTHS VOTE;

(C) IF THE COMMISSION SHALL HAVE CERTIFIED ITS QUALIFIED APPROVAL TOGETHER WITH RECOMMENDATIONS FOR MODIFICATIONS, APPROVE THE AREA DESIGNATION TOGETHER WITH THE MODIFICATIONS RECOMMENDED BY THE COMMISSION BY A MAJORITY VOTE, OR APPROVE THE AREA DESIGNATION WITHOUT SUCH MODIFICATIONS, BUT ONLY BY A THREE-FOURTHS VOTE.

4. IN ORDER TO APPROVE THE PROPOSAL FOR AN URBAN DEVELOPMENT ACTION AREA THE GOVERNING BODY MUST BY RESOLUTION FIRST FIND THAT:

(A) THE PRESENT STATUS OF THE AREA TENDS TO IMPAIR OR ARREST THE SOUND GROWTH AND DEVELOPMENT OF THE MUNICIPALITY;

(B) THE FINANCIAL AID IN THE FORM OF TAX INCENTIVES, IF ANY, TO BE PROVIDED BY THE MUNICIPALITY PURSUANT TO SECTION SIX HUNDRED NINETY-SIX OF THIS ARTICLE, IS NECESSARY TO ENABLE THE PROJECT TO BE UNDERTAKEN; AND

(C) THE AREA DESIGNATION IS CONSISTENT WITH THE POLICY AND PURPOSES STATED IN SECTION SIX HUNDRED NINETY-ONE OF THIS ARTICLE.

S 3. Section 694 of the general municipal law, as amended by chapter 486 of the laws of 1982 and subdivision 5 as amended by chapter 562 of the laws of 1990, is amended to read as follows:

S 694. Urban development action area project and approval thereof. 1. Following or in conjunction with the designation of an area or the waiver of an area designation pursuant to section six hundred ninety-three of this article, the agency shall prepare or cause to be prepared, with provisions which, where appropriate, are expressly designed to encourage and stimulate businesses experienced in the development of one to four family low-rise residential structures or minority owned enterprises in proposed projects, a project summary for a proposed urban development action area project.

2. [A proposal for an urban development action area or for a part or portion of such area, shall be submitted to the commission which shall certify, after a public hearing held on due notice, its unqualified

approval, its disapproval, or its qualified approval with recommendations for modifications therein. The commission shall forward its certification to the governing body.

3. Following receipt of the commission's certification after a public hearing held on due notice, the governing body may:

(a) if the commission shall have certified its unqualified approval, approve the area designation by a majority vote;

(b) if the commission shall have certified its disapproval nevertheless approve the area designation, but only by a three-fourths vote;

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

4. In order to approve the proposal for an urban development action area the governing body must by resolution first find that:

(a) the present status of the area tends to impair or arrest the sound growth and development of the municipality;

(b) the financial aid in the form of tax incentives, if any, to be provided by the municipality pursuant to section six hundred ninety-six of this article, is necessary to enable the project to be undertaken; and

(c) the area designation is consistent with the policy and purposes stated in section six hundred ninety-one of this article.

5.] Any approval of an urban development action area project shall be MADE BY THE GOVERNING BODY in conformance with the standards and procedures required for all land use determinations pursuant to general, special or local law or charter. In a city having a population of one million or more, the governing body may require that the agency incorporate into the project any or all of the following: (i) the proposed number of residential units; (ii) whether such units are home ownership units, rental units or condominium or cooperative units; (iii) a best estimate of the initial rents or selling prices for such units; (iv) the proposed income restrictions, if any, on renters or purchasers of such units; and (v) the basis on which the consideration for the sale or lease of the property is to be determined. Provided, however, that if the proposed urban development action area project consists solely of the rehabilitation or conservation of existing private or multiple dwellings [or], the construction of one to four unit dwellings OR THE CONSTRUCTION OF DWELLINGS RESTRICTED TO OCCUPANCY BY THE ELDERLY OR BY PERSONS WITH DISABILITIES without any change in land use permitted by local zoning, the governing body, or the commission where so authorized to act by the governing body, may waive any such standards and procedures required by local law or charter.

S 4. Paragraph (d) of subdivision 6 of section 695 of the general municipal law, as amended by chapter 437 of the laws of 2000, is amended to read as follows:

(d) Notwithstanding any standards or procedures established for land disposition by general, special or local law or charter, if an urban development action area project [is to be developed on an eligible area and] consists solely of the rehabilitation or conservation of existing private or multiple dwellings [or], the construction of one to four unit dwellings OR THE CONSTRUCTION OF DWELLINGS RESTRICTED TO OCCUPANCY BY THE ELDERLY OR BY PERSONS WITH DISABILITIES without any change in land use permitted by local zoning, a municipality may dispose of the real property constituting such urban development action project to any

person, firm, or corporation qualified pursuant to this subdivision by resolution of its governing body or, in any city having a population of one million or more, by action of the mayor, provided that such disposition is in accordance with the requirements of this subdivision. Disposition of real property acquired by condemnation shall be in accordance with the requirements of section four hundred six of the eminent domain procedure law, if applicable.

S 5. This act shall take effect immediately; provided, however, the amendments to section 693 of the general municipal law made by section two of this act shall survive the expiration and reversion of such section as provided in section 2 of chapter 701 of the laws of 2006, as amended.