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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:

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 THAT THREATENS
14 THE AESTHETIC OR HISTORICAL VALUE, STABILITY AND PRESERVATION OF SUCH
15 PLACES, DISTRICTS, SITES, BUILDINGS, STRUCTURES, WORKS OF ART AND OTHER
16 SUCH OBJECTS OF INTEREST OR VALUE. Such regulations, special conditions
17 and restrictions may include appropriate and reasonable control of the
18 use or appearance of neighboring private property within public view, or
19 both. In any such instance such measures, if adopted in the exercise of
20 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 THAT THREATENS THE AESTHETIC OR HISTORICAL
12 VALUE, STABILITY AND PRESERVATION OF SUCH PLACES, DISTRICTS, SITES,
13 BUILDINGS, STRUCTURES, WORKS OF ART AND OTHER SUCH OBJECTS OF INTEREST
14 OR VALUE. Such regulations, special conditions and restrictions may
15 include appropriate and reasonable control of the use or appearance of
16 neighboring private property within the public view, or both.
17 S 3. This act shall take effect on the ninetieth day after it shall
18 have become a law.