

7972

2011-2012 Regular Sessions

I N A S S E M B L Y

May 25, 2011

Introduced by M. of A. THIELE -- read once and referred to the Committee  
on Local Governments

AN ACT to amend the general city law, the town law and the village law,  
in relation to establishing a temporary moratorium in matters of plan-  
ning and zoning

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

1 Section 1. Legislative findings and intent. The legislature hereby  
2 finds that many towns, villages and cities have enacted temporary mora-  
3 toriums which prohibit landowners from making applications for otherwise  
4 permitted construction or land development, obtaining review of such  
5 applications or the issuance of some or all of the following: building  
6 permits, site plan approvals, special use permits, subdivision plats or  
7 zoning changes, and determinations by zoning boards of appeal. The  
8 legislature further finds that while the courts have sustained certain  
9 of these actions, there has been no explicit statutory authorization for  
10 these municipal moratoriums, which have been intended to benefit the  
11 community at large while impacting the property owners whose property  
12 interests are directly affected. The legislature declares that the  
13 absence of a statute authorizing and regulating the enactment of such  
14 moratoriums has created confusion and uncertainty as to the acceptable  
15 scope, duration, adoption, appeal procedures and applicability of such  
16 moratoriums. It is the legislature's intent to adopt a comprehensive  
17 detailed statutory scheme to authorize municipalities to enact local  
18 laws or ordinances that provide for municipal enactment of moratoriums  
19 of limited duration on the issuance of some or all of the following:  
20 building permits, site plan approvals, special use permits and subdivi-  
21 sion plats, and to establish the purposes for which such moratoriums may  
22 be enacted, and to establish appropriate limitations on their scope and  
23 duration.

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

LBD11747-01-1

1 S 2. The general city law is amended by adding a new section 82 to  
2 read as follows:

3 S 82. TEMPORARY MORATORIUM. 1. AUTHORIZATION. THE LEGISLATIVE BODY OF  
4 ANY CITY IS HEREBY AUTHORIZED TO ENACT, BY LOCAL LAW OR ORDINANCE, A  
5 TEMPORARY MORATORIUM PROHIBITING THE ISSUANCE OF ANY OR ALL OF THE  
6 FOLLOWING: BUILDING PERMITS, SITE PLAN APPROVALS, SPECIAL USE PERMITS,  
7 SUBDIVISION PLAT AND OTHER LAND USE APPROVALS RELATING TO THE DEVELOP-  
8 MENT OF REAL PROPERTY. A MORATORIUM MAY APPLY TO ALL APPROVALS AND ISSU-  
9 ANCES OF PERMITS FOR CERTAIN TYPES OF DEVELOPMENT, TO SPECIFIC RESOURCE  
10 AREAS OR ZONING DISTRICTS, OR THROUGHOUT THE ENTIRE AREA OF THE CITY OR  
11 ANY COMBINATION THEREOF.

12 2. PURPOSE. A MORATORIUM MAY BE ENACTED PURSUANT TO THIS SECTION AS A  
13 REASONABLE, NECESSARY AND LIMITED RESPONSE TO:

14 (A) EMERGENCY CONDITIONS AFFECTING PUBLIC HEALTH OR SAFETY;  
15 (B) PREVENT A SHORTAGE OF OR ADVERSE IMPACTS ON PUBLIC FACILITIES;  
16 (C) PREVENT ADVERSE IMPACTS UPON NATURAL RESOURCES; OR  
17 (D) CONDUCT LAND USE PLANNING STUDIES, IN ORDER TO PREPARE OR REVISE  
18 COMPREHENSIVE PLANS OR LAND USE REGULATIONS.

19 3. SCOPE. A MORATORIUM LAW OR ORDINANCE SHALL:

20 (A) INCLUDE SPECIFIC FINDINGS THAT JUSTIFY ITS ENACTMENT. WITH RESPECT  
21 TO A MORATORIUM CAUSED BY THE NEED FOR TIME TO ENACT A LOCAL LAW OR  
22 ORDINANCE TO REMEDY AN EMERGENCY CREATED BY CONDITIONS AFFECTING PUBLIC  
23 HEALTH OR SAFETY, A DECLARATION OF EMERGENCY WITH A DETAILED DESCRIPTION  
24 OF THE CONDITIONS CREATING THE EMERGENCY AND THE PROPOSED REMEDY SHALL  
25 ALSO BE ENACTED. WITH RESPECT TO ANY MORATORIUM FOR PLANNING PURPOSES, A  
26 FINDING THAT THE GOVERNING BODY OF THE CITY WILL COMPLETE NECESSARY  
27 PLANNING STUDIES BY CITY EMPLOYEES OR BY CONTRACT WITH OUTSIDE CONSULT-  
28 ANTS BEFORE THE EXPIRATION OF THE MORATORIUM SHALL ALSO BE ENACTED;

29 (B) STATE THE SPECIFIC BOUNDARIES TO WHICH IT APPLIES, WHICH SHALL NOT  
30 EXCEED THE GEOGRAPHIC SCOPE OF THE AREA AFFECTED BY EITHER THE CONDI-  
31 TIONS CREATING A PUBLIC HEALTH OR SAFETY EMERGENCY, ADVERSELY IMPACTED  
32 PUBLIC FACILITIES, AN APPLICABLE NATURAL RESOURCE BOUNDARY OR THE PLAN-  
33 NING AREA ADDRESSED BY A STUDY DURING THE MORATORIUM;

34 (C) STATE WHETHER BUILDING PERMITS, SITE PLAN APPROVALS, SPECIAL USE  
35 PERMITS, SUBDIVISION PLAT AND OTHER LAND USE APPROVALS RELATING TO THE  
36 DEVELOPMENT OF REAL PROPERTY ARE AFFECTED; AND

37 (D) STATE THE DURATION OF THE MORATORIUM.

38 4. EFFECT. (A) NO BOARD OR AGENCY OF THE CITY SHALL GRANT APPROVAL FOR  
39 AN APPLICATION PERTAINING TO THE SUBJECT OF THE MORATORIUM.

40 (B) NOTWITHSTANDING ANY OTHER LAW OR PROVISION TO THE CONTRARY, ENACT-  
41 MENT OF A MORATORIUM PURSUANT TO THIS SECTION SHALL NOT CONSTITUTE THE  
42 ENACTMENT OR AMENDMENT OF A COMPREHENSIVE PLAN, SUBDIVISION REGULATIONS,  
43 ZONING OR OTHER LOCAL LAND USE LAW OR ORDINANCE, AND IS NOT SUBJECT TO  
44 THE REFERRAL PROVISIONS OF SECTION TWO HUNDRED THIRTY-NINE-M OF THE  
45 GENERAL MUNICIPAL LAW NOR TO ARTICLE EIGHT OF THE ENVIRONMENTAL CONSER-  
46 VATION LAW AND ANY REGULATIONS ADOPTED PURSUANT THERETO.

47 5. DURATION. A MORATORIUM SHALL TERMINATE AT THE TIME SET FORTH IN THE  
48 LOCAL LAW OR ORDINANCE ESTABLISHING SUCH MORATORIUM, WHICH TIME SHALL BE  
49 NO LONGER THAN THE EXPIRATION OF A REASONABLE PERIOD REQUIRED TO  
50 COMPLETE THE STATED OBJECTIVE OR GOAL WHICH GAVE RISE TO THE IMPOSITION  
51 OF SUCH MORATORIUM. THE DURATION OF A MORATORIUM ENACTED TO PERMIT TIME  
52 FOR DRAFTING AN ENACTMENT OF A LOCAL LAW OR ORDINANCE WITHOUT ANY PLAN-  
53 NING STUDY SHALL NOT EXCEED ONE YEAR. IN THE EVENT AN EXTENSION OF SUCH  
54 MORATORIUM IS FOUND TO BE NECESSARY, SUCH EXTENSION SHALL NOT EXCEED SIX  
55 MONTHS AND SHALL BE ENACTED AS A LOCAL LAW OR ORDINANCE SUBJECT TO THIS  
56 SECTION. SUCH EXTENSION SHALL CONTAIN THOSE LEGISLATIVE FINDINGS THAT

1 REQUIRE SUCH ACTION. THE DURATION OF A MORATORIUM ENACTED BECAUSE OF AN  
2 EMERGENCY DECLARED BECAUSE OF CONDITIONS AFFECTING PUBLIC HEALTH OR  
3 SAFETY SHALL BE ONE YEAR, BUT MAY BE EXTENDED ANNUALLY UNTIL THE EMER-  
4 GENCY IS FOUND BY THE LEGISLATIVE BODY TO NO LONGER EXIST.

5 6. EXCEPTION TO MORATORIUM. (A) THE MORATORIUM LAW OR ORDINANCE SHALL  
6 PROVIDE FOR APPEALS FOR RELIEF DUE TO EXTRAORDINARY HARDSHIP TO THE  
7 LEGISLATIVE BODY, WHICH, ACTING IN AN ADMINISTRATIVE CAPACITY, SHALL  
8 APPROVE, APPROVE WITH MODIFICATIONS OR DENY SUCH APPEAL WITHIN A PERIOD  
9 OF NINETY DAYS FROM SUBMISSION OF AN APPLICATION.

10 (B) THE LEGISLATIVE BODY OF ANY CITY MAY PROVIDE THAT BUILDING  
11 PERMITS, SITE PLAN APPROVALS, SPECIAL USE PERMITS AND SUBDIVISION PLAT  
12 APPROVALS RELATING TO THE USE OR DEVELOPMENT OF REAL PROPERTY MAY BE  
13 GRANTED BY THE APPROPRIATE CITY AGENCY OR ONLY BY SUCH LEGISLATIVE BODY  
14 PROVIDED PUBLIC NOTICE IS GIVEN IN THE SAME MANNER AS WOULD BE REQUIRED  
15 HAD SUCH MORATORIUM NOT BEEN ENACTED AND FURTHER PROVIDED THAT THE  
16 APPROPRIATE BOARD OR SUCH LEGISLATIVE BODY SETS FORTH FINDINGS OF FACT  
17 THAT SUCH ACTION IS NOT INCONSISTENT WITH THE GOALS AND OBJECTIVES OF  
18 THE MORATORIUM.

19 S 3. The town law is amended by adding a new section 261-d to read as  
20 follows:

21 S 261-D. TEMPORARY MORATORIUM. 1. AUTHORIZATION. THE LEGISLATIVE BODY  
22 OF ANY TOWN IS HEREBY AUTHORIZED TO ENACT, BY LOCAL LAW OR ORDINANCE, A  
23 TEMPORARY MORATORIUM PROHIBITING THE ISSUANCE OF ANY OR ALL OF THE  
24 FOLLOWING: BUILDING PERMITS, SITE PLAN APPROVALS, SPECIAL USE PERMITS,  
25 SUBDIVISION PLAT AND OTHER LAND USE APPROVALS RELATING TO THE DEVELOP-  
26 MENT OF REAL PROPERTY. A MORATORIUM MAY APPLY TO ALL APPROVALS AND ISSU-  
27 ANCES OF PERMITS FOR CERTAIN TYPES OF DEVELOPMENT, TO SPECIFIC RESOURCE  
28 AREAS OR ZONING DISTRICTS, OR THROUGHOUT THE ENTIRE AREA OF THE TOWN OR  
29 ANY COMBINATION THEREOF, BUT SHALL NOT APPLY TO THE APPLICATION FOR OR  
30 REVIEW OF SUCH APPLICATIONS OR APPEALS TO THE ZONING BOARD OF APPEALS.

31 2. PURPOSE. A MORATORIUM MAY BE ENACTED PURSUANT TO THIS SECTION AS A  
32 REASONABLE, NECESSARY AND LIMITED RESPONSE TO:

33 (A) EMERGENCY CONDITIONS AFFECTING PUBLIC HEALTH OR SAFETY;  
34 (B) PREVENT A SHORTAGE OF OR ADVERSE IMPACTS ON PUBLIC FACILITIES;  
35 (C) PREVENT ADVERSE IMPACTS UPON NATURAL RESOURCES; OR  
36 (D) CONDUCT LAND USE PLANNING STUDIES, IN ORDER TO PREPARE OR REVISE  
37 COMPREHENSIVE PLANS OR LAND USE REGULATIONS.

38 3. SCOPE. A MORATORIUM LAW OR ORDINANCE SHALL:

39 (A) INCLUDE SPECIFIC FINDINGS THAT JUSTIFY ITS ENACTMENT. WITH RESPECT  
40 TO A MORATORIUM CAUSED BY THE NEED FOR TIME TO ENACT A LOCAL LAW OR  
41 ORDINANCE TO REMEDY AN EMERGENCY CREATED BY CONDITIONS AFFECTING PUBLIC  
42 HEALTH OR SAFETY, A DECLARATION OF EMERGENCY WITH A DETAILED DESCRIPTION  
43 OF THE CONDITIONS CREATING THE EMERGENCY AND THE PROPOSED REMEDY SHALL  
44 ALSO BE ENACTED. WITH RESPECT TO ANY MORATORIUM FOR PLANNING PURPOSES, A  
45 FINDING THAT THE GOVERNING BODY OF THE TOWN WILL COMPLETE NECESSARY  
46 PLANNING STUDIES BY TOWN EMPLOYEES OR BY CONTRACT WITH OUTSIDE CONSULT-  
47 ANTS BEFORE THE EXPIRATION OF THE MORATORIUM;

48 (B) STATE THE SPECIFIC BOUNDARIES TO WHICH IT APPLIES, WHICH SHALL NOT  
49 EXCEED THE GEOGRAPHIC SCOPE OF THE AREA AFFECTED BY EITHER THE CONDI-  
50 TIONS CREATING A PUBLIC HEALTH OR SAFETY EMERGENCY, ADVERSELY IMPACTED  
51 PUBLIC FACILITIES, AN APPLICABLE NATURAL RESOURCE BOUNDARY OR THE PLAN-  
52 NING AREA ADDRESSED BY A STUDY DURING THE MORATORIUM;

53 (C) STATE WHETHER BUILDING PERMITS, SITE PLAN APPROVALS, SPECIAL USE  
54 PERMITS, SUBDIVISION PLAT AND OTHER LAND USE APPROVALS RELATING TO THE  
55 DEVELOPMENT OF REAL PROPERTY ARE AFFECTED; AND

56 (D) STATE THE DURATION OF THE MORATORIUM.

1 4. EFFECT. (A) NO BOARD OR AGENCY OF THE TOWN SHALL GRANT APPROVAL FOR  
2 AN APPLICATION PERTAINING TO THE SUBJECT OF THE MORATORIUM.

3 (B) NOTWITHSTANDING ANY OTHER LAW OR PROVISION TO THE CONTRARY, ENACT-  
4 MENT OF A MORATORIUM PURSUANT TO THIS SECTION SHALL NOT CONSTITUTE THE  
5 ENACTMENT OR AMENDMENT OF A COMPREHENSIVE PLAN, SUBDIVISION REGULATIONS,  
6 ZONING OR OTHER LOCAL LAND USE LAW OR ORDINANCE, AND IS NOT SUBJECT TO  
7 THE REFERRAL PROVISIONS OF SECTION TWO HUNDRED THIRTY-NINE-M OF THE  
8 GENERAL MUNICIPAL LAW NOR TO ARTICLE EIGHT OF THE ENVIRONMENTAL CONSER-  
9 VATION LAW AND ANY REGULATIONS ADOPTED PURSUANT THERETO.

10 5. DURATION. A MORATORIUM SHALL TERMINATE AT THE TIME SET FORTH IN THE  
11 LOCAL LAW OR ORDINANCE ESTABLISHING SUCH MORATORIUM, WHICH TIME SHALL BE  
12 NO LONGER THAN THE EXPIRATION OF A REASONABLE PERIOD REQUIRED TO  
13 COMPLETE THE STATED OBJECTIVE OR GOAL WHICH GAVE RISE TO THE IMPOSITION  
14 OF SUCH MORATORIUM. THE DURATION OF A MORATORIUM ENACTED TO PERMIT TIME  
15 FOR DRAFTING AN ENACTMENT OF A LOCAL LAW OR ORDINANCE WITHOUT ANY PLAN-  
16 NING STUDY SHALL NOT EXCEED ONE YEAR. IN THE EVENT AN EXTENSION OF SUCH  
17 MORATORIUM IS FOUND TO BE NECESSARY, SUCH EXTENSION SHALL NOT EXCEED SIX  
18 MONTHS AND SHALL BE ENACTED AS A LOCAL LAW OR ORDINANCE SUBJECT TO THIS  
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20 REQUIRE SUCH ACTION. THE DURATION OF A MORATORIUM ENACTED BECAUSE OF AN  
21 EMERGENCY DECLARED BECAUSE OF CONDITIONS AFFECTING PUBLIC HEALTH OR  
22 SAFETY SHALL BE ONE YEAR, BUT MAY BE EXTENDED ANNUALLY UNTIL THE EMER-  
23 GENCY IS FOUND BY THE LEGISLATIVE BODY TO NO LONGER EXIST.

24 6. EXCEPTION TO MORATORIUM. (A) THE MORATORIUM LAW OR ORDINANCE SHALL  
25 PROVIDE FOR APPEALS FOR RELIEF DUE TO EXTRAORDINARY HARDSHIP TO THE  
26 LEGISLATIVE BODY, WHICH, ACTING IN AN ADMINISTRATIVE CAPACITY, SHALL  
27 APPROVE, APPROVE WITH MODIFICATIONS OR DENY SUCH APPEAL WITHIN A PERIOD  
28 OF NINETY DAYS FROM SUBMISSION OF AN APPLICATION.

29 (B) THE LEGISLATIVE BODY OF ANY TOWN MAY PROVIDE THAT BUILDING  
30 PERMITS, SITE PLAN APPROVALS, SPECIAL USE PERMITS AND SUBDIVISION PLAT  
31 APPROVALS RELATING TO THE USE OR DEVELOPMENT OF REAL PROPERTY MAY BE  
32 GRANTED BY THE APPROPRIATE TOWN AGENCY OR ONLY BY SUCH LEGISLATIVE BODY  
33 PROVIDED PUBLIC NOTICE IS GIVEN IN THE SAME MANNER AS WOULD BE REQUIRED  
34 HAD SUCH MORATORIUM NOT BEEN ENACTED AND FURTHER PROVIDED THAT THE  
35 APPROPRIATE BOARD OR SUCH LEGISLATIVE BODY SETS FORTH FINDINGS OF FACT  
36 THAT SUCH ACTION IS NOT INCONSISTENT WITH THE GOALS AND OBJECTIVES OF  
37 THE MORATORIUM.

38 S 4. The village law is amended by adding a new section 7-705 to read  
39 as follows:

40 S 7-705 TEMPORARY MORATORIUM. 1. AUTHORIZATION. THE LEGISLATIVE BODY  
41 OF ANY VILLAGE IS HEREBY AUTHORIZED TO ENACT, BY LOCAL LAW OR ORDINANCE,  
42 A TEMPORARY MORATORIUM PROHIBITING THE ISSUANCE OF ANY OR ALL OF THE  
43 FOLLOWING: BUILDING PERMITS, SITE PLAN APPROVALS, SPECIAL USE PERMITS,  
44 SUBDIVISION PLAT AND OTHER LAND USE APPROVALS RELATING TO THE DEVELOP-  
45 MENT OF REAL PROPERTY. A MORATORIUM MAY APPLY TO ALL APPROVALS AND ISSU-  
46 ANCES OF PERMITS FOR CERTAIN TYPES OF DEVELOPMENT, TO SPECIFIC RESOURCE  
47 AREAS OR ZONING DISTRICTS, OR THROUGHOUT THE ENTIRE AREA OF THE VILLAGE  
48 OR ANY COMBINATION THEREOF, BUT SHALL NOT APPLY TO THE APPLICATION FOR  
49 OR REVIEW OF SUCH APPLICATIONS OR APPEALS TO THE ZONING BOARD OF  
50 APPEALS.

51 2. PURPOSE. A MORATORIUM MAY BE ENACTED PURSUANT TO THIS SECTION AS A  
52 REASONABLE, NECESSARY AND LIMITED RESPONSE TO:

53 (A) EMERGENCY CONDITIONS AFFECTING PUBLIC HEALTH OR SAFETY;

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2 COMPREHENSIVE PLANS OR LAND USE REGULATIONS.

3 3. SCOPE. A MORATORIUM LAW OR ORDINANCE SHALL:

4 (A) INCLUDE SPECIFIC FINDINGS THAT JUSTIFY ITS ENACTMENT. WITH RESPECT  
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6 ORDINANCE TO REMEDY AN EMERGENCY CREATED BY CONDITIONS AFFECTING PUBLIC  
7 HEALTH OR SAFETY, A DECLARATION OF EMERGENCY WITH A DETAILED DESCRIPTION  
8 OF THE CONDITIONS CREATING THE EMERGENCY AND THE PROPOSED REMEDY SHALL  
9 ALSO BE ENACTED. WITH RESPECT TO ANY MORATORIUM FOR PLANNING PURPOSES, A  
10 FINDING THAT THE GOVERNING BODY OF THE VILLAGE WILL COMPLETE NECESSARY  
11 PLANNING STUDIES BY VILLAGE EMPLOYEES OR BY CONTRACT WITH OUTSIDE  
12 CONSULTANTS BEFORE THE EXPIRATION OF THE MORATORIUM SHALL ALSO BE  
13 ENACTED;

14 (B) STATE THE SPECIFIC BOUNDARIES TO WHICH IT APPLIES, WHICH SHALL NOT  
15 EXCEED THE GEOGRAPHIC SCOPE OF THE AREA AFFECTED BY EITHER THE CONDI-  
16 TIONS CREATING A PUBLIC HEALTH OR SAFETY EMERGENCY, ADVERSELY IMPACTED  
17 PUBLIC FACILITIES, AN APPLICABLE NATURAL RESOURCE BOUNDARY OR PLANNING  
18 AREA ADDRESSED BY A STUDY DURING THE MORATORIUM;

19 (C) STATE WHETHER BUILDING PERMITS, SITE PLAN APPROVALS, SPECIAL USE  
20 PERMITS, SUBDIVISION PLAT AND OTHER LAND USE APPROVALS RELATING TO THE  
21 DEVELOPMENT OF REAL PROPERTY ARE AFFECTED; AND

22 (D) STATE THE DURATION OF THE MORATORIUM.

23 4. EFFECT. (A) NO BOARD OR AGENCY OF THE VILLAGE SHALL GRANT APPROVAL  
24 FOR AN APPLICATION PERTAINING TO THE SUBJECT OF THE MORATORIUM.

25 (B) NOTWITHSTANDING ANY OTHER LAW OR PROVISION TO THE CONTRARY, ENACT-  
26 MENT OF A MORATORIUM PURSUANT TO THIS SECTION SHALL NOT CONSTITUTE THE  
27 ENACTMENT OR AMENDMENT OF A COMPREHENSIVE PLAN, SUBDIVISION REGULATIONS,  
28 ZONING OR OTHER LOCAL LAND USE LAW OR ORDINANCE, AND IS NOT SUBJECT TO  
29 THE REFERRAL PROVISIONS OF SECTION TWO HUNDRED THIRTY-NINE-M OF THE  
30 GENERAL MUNICIPAL LAW NOR TO ARTICLE EIGHT OF THE ENVIRONMENTAL CONSER-  
31 VATION LAW AND ANY REGULATIONS ADOPTED PURSUANT THERETO.

32 5. DURATION. A MORATORIUM SHALL TERMINATE AT THE TIME SET FORTH IN THE  
33 LOCAL LAW OR ORDINANCE ESTABLISHING SUCH MORATORIUM, WHICH TIME SHALL BE  
34 NO LONGER THAN THE EXPIRATION OF A REASONABLE PERIOD REQUIRED TO  
35 COMPLETE THE STATED OBJECTIVE OR GOAL WHICH GAVE RISE TO THE IMPOSITION  
36 OF SUCH MORATORIUM. THE DURATION OF A MORATORIUM ENACTED TO PERMIT TIME  
37 FOR DRAFTING AN ENACTMENT OF A LOCAL LAW OR ORDINANCE WITHOUT ANY PLAN-  
38 NING STUDY SHALL NOT EXCEED ONE YEAR. IN THE EVENT AN EXTENSION OF SUCH  
39 MORATORIUM IS FOUND TO BE NECESSARY, SUCH EXTENSION SHALL NOT EXCEED SIX  
40 MONTHS AND SHALL BE ENACTED AS A LOCAL LAW OR ORDINANCE SUBJECT TO THIS  
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42 REQUIRE SUCH ACTION. THE DURATION OF A MORATORIUM ENACTED BECAUSE OF AN  
43 EMERGENCY DECLARED BECAUSE OF CONDITIONS AFFECTING PUBLIC HEALTH OR  
44 SAFETY SHALL BE ONE YEAR, BUT MAY BE EXTENDED ANNUALLY UNTIL THE EMER-  
45 GENCY IS FOUND BY THE LEGISLATIVE BODY TO NO LONGER EXIST.

46 6. EXCEPTION TO MORATORIUM. (A) THE MORATORIUM LAW OR ORDINANCE SHALL  
47 PROVIDE FOR APPEALS FOR RELIEF DUE TO EXTRAORDINARY HARDSHIP TO THE  
48 LEGISLATIVE BODY, WHICH, ACTING IN AN ADMINISTRATIVE CAPACITY, SHALL  
49 APPROVE, APPROVE WITH MODIFICATION OR DENY SUCH APPEAL WITHIN A PERIOD  
50 OF NINETY DAYS FROM SUBMISSION OF AN APPLICATION.

51 (B) THE LEGISLATIVE BODY OF ANY VILLAGE MAY PROVIDE THAT BUILDING  
52 PERMITS, SITE PLAN APPROVALS, SPECIAL USE PERMITS AND SUBDIVISION PLAT  
53 APPROVALS RELATING TO THE USE OR DEVELOPMENT OF REAL PROPERTY MAY BE  
54 GRANTED BY THE APPROPRIATE VILLAGE AGENCY OR ONLY BY SUCH LEGISLATIVE  
55 BODY PROVIDED PUBLIC NOTICE IS GIVEN IN THE SAME MANNER AS WOULD BE  
56 REQUIRED HAD SUCH MORATORIUM NOT BEEN ENACTED AND FURTHER PROVIDED THAT

1 THE APPROPRIATE BOARD OR SUCH LEGISLATIVE BODY SETS FORTH FINDINGS OF  
2 FACT THAT SUCH ACTION IS NOT INCONSISTENT WITH THE GOALS AND OBJECTIVES  
3 OF THE MORATORIUM.  
4 S 5. This act shall take effect immediately.