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

5331

2011-2012 Regular Sessions

I N A S S E M B L Y

February 15, 2011

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

AN ACT to amend the general municipal law, in relation to requiring written notification of local residents upon the proposed installation and/or construction of a wireless communication facility at or upon public housing, senior citizen housing or nursing home property

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

Section 1. The general municipal law is amended by adding a new section 79 to read as follows:

S 79. NOTIFICATION OF PROPOSED CONSTRUCTION OF WIRELESS COMMUNICATION FACILITY. 1. FOR THE PURPOSES OF THIS SECTION, THE FOLLOWING TERMS SHALL HAVE THE FOLLOWING MEANINGS:

(A) "NURSING HOME" SHALL HAVE THE SAME MEANING AS IS ASCRIBED TO SUCH TERM BY SUBDIVISION TWO OF SECTION TWENTY-EIGHT HUNDRED ONE OF THE PUBLIC HEALTH LAW.

(B) "PUBLIC HOUSING" SHALL HAVE THE SAME MEANING AS IS ASCRIBED TO THE TERM PUBLICLY-ASSISTED HOUSING ACCOMMODATIONS BY SUBDIVISION ELEVEN OF SECTION TWO HUNDRED NINETY-TWO OF THE EXECUTIVE LAW.

(C) "WIRELESS COMMUNICATION FACILITY" SHALL MEAN AN UNSTAFFED FACILITY USED IN THE RECEIPT AND TRANSMISSION OF WIRELESS TELEPHONE SERVICE INCLUDING, BUT NOT LIMITED TO, ANTENNAS, ANCILLARY TELECOMMUNICATIONS EQUIPMENT, AND TELECOMMUNICATIONS TOWERS AND POLES.

2. IMMEDIATELY UPON THE RECEIPT OF A SOLICITATION TO NEGOTIATE FOR OR UPON SOLICITING TO NEGOTIATE FOR THE CONSTRUCTION OR INSTALLATION OF ANY WIRELESS COMMUNICATION FACILITY UPON PUBLIC HOUSING, SENIOR CITIZEN HOUSING OR NURSING HOME PROPERTY, THE MUNICIPAL CORPORATION OR OTHER ENTITY HAVING THE AUTHORITY TO ISSUE A PERMIT OR LICENSE TO AUTHORIZE SUCH CONSTRUCTION OR INSTALLATION SHALL PROVIDE WRITTEN NOTIFICATION, BY FIRST CLASS MAIL, TO EACH RESIDENT OF THE MUNICIPAL CORPORATION OR OF THE AREA SUCH ENTITY EXERCISES JURISDICTION OVER. THE WRITTEN NOTIFICA-

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

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TION SHALL INCLUDE ALL THE TERMS, CONDITIONS AND FINANCIAL PROVISIONS OF THE AGREEMENT PROVIDING FOR THE CONSTRUCTION AND/OR INSTALLATION OF THE WIRELESS COMMUNICATION FACILITY, AND THE IMMEDIATE AND POTENTIAL HEALTH RISKS POSED BY SUCH FACILITY.

S 2. This act shall take effect on the one hundred twentieth day after it shall have become a law.