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

5332

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 prohibiting the placement and operation of wireless communication facilities at or upon public housing, senior citizen housing and 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. PROHIBITION OF WIRELESS COMMUNICATION FACILITIES. 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. NO WIRELESS COMMUNICATION FACILITY SHALL BE PLACED OR OPERATED UPON PUBLIC HOUSING, SENIOR CITIZEN HOUSING OR NURSING HOME PROPERTY. NOR SHALL ANY OPERATOR OF PUBLIC HOUSING, SENIOR CITIZEN HOUSING OR A NURSING HOME NEGOTIATE FOR OR ENTER INTO A CONTRACT FOR THE PLACEMENT OR OPERATION OF ANY WIRELESS COMMUNICATION FACILITY UPON PUBLIC HOUSING, SENIOR CITIZEN HOUSING OR NURSING HOME PROPERTY.

3. ANY OPERATOR OF PUBLIC HOUSING, SENIOR CITIZEN HOUSING OR A NURSING HOME WHICH IS IN VIOLATION OF SUBDIVISION TWO OF THIS SECTION ON THE EFFECTIVE DATE OF THIS SECTION, SHALL, WITHIN ONE HUNDRED EIGHTY DAYS OF

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

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SUCH DATE, TERMINATE ALL CONTRACTS FOR THE PLACEMENT AND/OR OPERATION OF A WIRELESS COMMUNICATION FACILITY UPON THE PROPERTY THEREOF, AND/OR REMOVE ANY AND ALL WIRELESS COMMUNICATION FACILITIES UPON SUCH PROPERTY.

S 2. This act shall take effect immediately.