## 9842

## IN ASSEMBLY

April 18, 2012

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

AN ACT to amend the general municipal law, in relation to community benefits agreements

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 article 12-I to read as follows:

ARTICLE 12-I COMMUNITY BENEFITS AGREEMENTS

5 SECTION 239-BB. COMMUNITY BENEFITS AGREEMENTS.

1 2

3

4

6 S 239-BB. COMMUNITY BENEFITS AGREEMENTS. 1. NOTWITHSTANDING ANY LAW, 7 RULE OR REGULATION TO THE CONTRARY FOR THE PURPOSE OF ISSUANCE OF ANY 8 APPROVALS OR PERMITS ANY BENEFIT THAT IS TANGIBLE MAY BE PLACED AT THE 9 DISCRETION OF THE APPLICANT SO LONG AS THE BENEFIT IS PUBLICLY ACCESSI-BLE. IF THE EXERCISE OF SUCH DISCRETION AS PERMITTED UNDER THIS 10 SECTION RESULTS IN THE PLACEMENT OF A TANGIBLE COMMUNITY BENEFIT ON, OR ADJACENT 11 THE DEVELOPER'S PROJECT SITE, IT SHALL BE REQUIRED THAT THE BENEFIT 12 TO, BE REASONABLY RELATED TO THE PROJECT UNDERTAKEN BY SUCH APPLICANT. FOR 13 14 PURPOSES OF THIS SECTION A COMMUNITY BENEFITS AGREEMENT IS A PRIVATE AGREEMENT BETWEEN AN APPLICANT SEEKING ANY APPROVALS OR PERMITS PURSUANT 15 16 TO ARTICLE SIXTEEN OF THE TOWN LAW, ARTICLE SEVEN OF THE VILLAGE LAW OR ARTICLE FIVE-A OF THE GENERAL CITY LAW AND A COMMUNITY ORGANIZATION OR 17 ORGANIZATIONS, WHERE SUPPORT OR FORBEARANCE WITH RESPECT 18 SUCH TO 19 APPROVALS OR PERMITS IS THE CONSIDERATION FOR SUCH AGREEMENT, EXCEPT 20 THAT THIS SECTION SHALL NOT APPLY TO A CITY WITH A POPULATION OF ONE 21 MILLION OR MORE.

22 PRIOR TO ENTERING INTO A COMMUNITY BENEFIT AGREEMENT WITH A DEVEL-2. 23 OPER, THE MUNICIPALITY SHALL SET FORTH A MONETARY AMOUNT THAT THE DEVEL-OPER SHALL ALLOCATE TO PROVIDING THE BENEFIT. SUCH AMOUNT SHALL BE BASED 24 25 A PERCENTAGE OF THE TOTAL PROJECT COST THAT SHALL NOT EXCEED FIVE ON 26 PERCENT OF THE INCREASED DENSITY ABOVE WHAT IS ALLOWABLE FOR THE PROJECT 27 UNDER CURRENT ZONING LAW. SUCH AMOUNT SHALL BE THE MAXIMUM THE FOR ENTIRE COMMUNITY BENEFIT AGREEMENT, INCLUDING ANY AGREEMENT MADE WITH 28

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

LBD14929-04-2

1	ANY OR ALL CO	OMMUNITY	ORGANIZATI	ONS OR	OTHER	MUNICIPAL	ITIES.	AFT	ΈR
2	ESTABLISHING	SUCH AM	OUNT, THE	MUNICI	PALITY	SHALL NOT	BE PERI	MITTED	то
3	INCREASE THE	COST THAT	THE DEVELO	OPER SH	IALL BE	REQUIRED	TO	INCUR	IN
4	PROVIDING TH	E BENEFIT.							
_					-				

5 S 2. This act shall take effect immediately.