

3089--A

2013-2014 Regular Sessions

I N A S S E M B L Y

January 23, 2013

Introduced by M. of A. LAVINE, BRENNAN, CLARK, McDONOUGH, COOK, GIBSON
-- Multi-Sponsored by -- M. of A. RAIA -- read once and referred to
the Committee on Local Governments -- committee discharged, bill
amended, ordered reprinted as amended and recommitted to said commit-
tee

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 ASSEM-
BLY, DO ENACT AS FOLLOWS:

1 Section 1. The general municipal law is amended by adding a new arti-
2 cle 12-I to read as follows:

3 ARTICLE 12-I

4 COMMUNITY BENEFITS AGREEMENTS

5 SECTION 239-BB. COMMUNITY BENEFITS AGREEMENTS.

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-
10 BLE. IF THE EXERCISE OF SUCH DISCRETION AS PERMITTED UNDER THIS SECTION
11 RESULTS IN THE PLACEMENT OF A TANGIBLE COMMUNITY BENEFIT ON, OR ADJACENT
12 TO, THE DEVELOPER'S PROJECT SITE, IT SHALL BE REQUIRED THAT THE BENEFIT
13 BE REASONABLY RELATED TO THE PROJECT UNDERTAKEN BY SUCH APPLICANT. FOR
14 PURPOSES OF THIS SECTION, A COMMUNITY BENEFITS AGREEMENT IS A PRIVATE
15 AGREEMENT BETWEEN AN APPLICANT SEEKING ANY APPROVALS OR PERMITS PURSUANT
16 TO ARTICLE SIXTEEN OF THE TOWN LAW, ARTICLE SEVEN OF THE VILLAGE LAW OR
17 ARTICLE FIVE-A OF THE GENERAL CITY LAW AND A COMMUNITY ORGANIZATION OR
18 ORGANIZATIONS, WHERE SUPPORT OR FORBEARANCE WITH RESPECT TO SUCH
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.

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

LBD06440-03-3

1 2. PRIOR TO ENTERING INTO A COMMUNITY BENEFIT AGREEMENT WITH A DEVEL-
2 OPER, THE MUNICIPALITY SHALL SET FORTH A MONETARY AMOUNT THAT THE DEVEL-
3 OPER SHALL ALLOCATE TO PROVIDING THE BENEFIT. SUCH AMOUNT SHALL BE BASED
4 ON A PERCENTAGE OF THE TOTAL PROJECT COST THAT SHALL NOT EXCEED FIVE
5 PERCENT OF THE INCREASED DENSITY ABOVE WHAT IS ALLOWABLE FOR THE PROJECT
6 UNDER CURRENT ZONING LAW. SUCH AMOUNT SHALL BE THE MAXIMUM FOR THE
7 ENTIRE COMMUNITY BENEFIT AGREEMENT, INCLUDING ANY AGREEMENT MADE WITH
8 ANY OR ALL COMMUNITY ORGANIZATIONS OR OTHER MUNICIPALITIES. AFTER
9 ESTABLISHING SUCH AMOUNT, THE MUNICIPALITY SHALL NOT BE PERMITTED TO
10 INCREASE THE COST THAT THE DEVELOPER SHALL BE REQUIRED TO INCUR IN
11 PROVIDING THE BENEFIT.
12 S 2. This act shall take effect immediately.