

S. 3011

A. 3578

2013-2014 Regular Sessions

S E N A T E - A S S E M B L Y

January 28, 2013

IN SENATE -- Introduced by Sen. LAVALLE -- read twice and ordered printed, and when printed to be committed to the Committee on Local Government

IN ASSEMBLY -- Introduced by M. of A. THIELE -- read once and referred to the Committee on Ways and Means

AN ACT to amend the town law and the general municipal law, in relation to the limitation or remission of taxes on historic places

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

1 Section 1. Subdivision 17-a of section 64 of the town law, as added by
2 chapter 426 of the laws of 1965, is amended to read as follows:
3 17-a. Historic places. The town board may provide for the preservation
4 and protection of places, buildings, works of art and other objects
5 having a special character or aesthetic interest or value and also may
6 provide for appropriate and reasonable control of the use or appearance
7 of neighborhood private property within public view. Any such measures,
8 if adopted in the exercise of police power, shall be reasonable and
9 appropriate to the purpose, or if constituting a taking of private prop-
10 erty, shall provide for due compensation[, which may include the limita-
11 tion or remission of taxes]. ANY PROPERTY OWNER WHOSE PROPERTY IS WITH-
12 IN AN HISTORIC DISTRICT OR DESIGNATED AN HISTORIC LANDMARK MAY MAKE
13 APPLICATION TO THE ASSESSOR FOR A LIMITATION OR REMISSION OF THE TAXES
14 ASSESSED ON SAID PROPERTY. SAID LIMITATION OR REMISSION SHALL BE SOLELY
15 FOR THE PURPOSE OF AND IN AN AMOUNT CALCULATED TO COMPENSATE SAID PROP-
16 erty owner for added costs, if any, of maintaining his property in
17 accordance with the requirements for historic districts or landmarks.
18 THE TOWN MAY ESTABLISH A MAXIMUM AMOUNT OR PERCENTAGE FOR SUCH LIMITA-
19 tion or remission and may provide that such limitation or remission
20 shall only apply to properties designated as historic landmarks.

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

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1 S 2. Section 96-a of the general municipal law, as added by chapter
2 513 of the laws of 1968, is amended to read as follows:

3 S 96-a. Protection of historical places, buildings and works of art.
4 In addition to any power or authority of a municipal corporation to
5 regulate by planning or zoning laws and regulations or by local laws and
6 regulations, the governing board or local legislative body of any coun-
7 ty, city, town or village is empowered to provide by regulations,
8 special conditions and restrictions for the protection, enhancement,
9 perpetuation and use of places, districts, sites, buildings, structures,
10 works of art, and other objects having a special character or special
11 historical or aesthetic interest or value. Such regulations, special
12 conditions and restrictions may include appropriate and reasonable
13 control of the use or appearance of neighboring private property within
14 public view, or both. In any such instance such measures, if adopted in
15 the exercise of the police power, shall be reasonable and appropriate to
16 the purpose, or if constituting a taking of private property shall
17 provide for due compensation[, which may include the limitation or
18 remission of taxes]. ANY PROPERTY OWNER WHOSE PROPERTY IS WITHIN AN
19 HISTORIC DISTRICT OR DESIGNATED AN HISTORIC LANDMARK MAY MAKE APPLICA-
20 TION TO THE ASSESSOR FOR A LIMITATION OR REMISSION OF THE TAXES ASSESSED
21 ON SAID PROPERTY. SAID LIMITATION OR REMISSION SHALL BE SOLELY FOR THE
22 PURPOSE OF AND IN AN AMOUNT CALCULATED TO COMPENSATE SAID PROPERTY OWNER
23 FOR ADDED COSTS, IF ANY, OF MAINTAINING HIS PROPERTY IN ACCORDANCE WITH
24 THE REQUIREMENTS FOR HISTORIC DISTRICTS OR LANDMARKS. THE COUNTY, CITY,
25 TOWN, OR VILLAGE MAY ESTABLISH A MAXIMUM AMOUNT OR PERCENTAGE FOR SUCH
26 LIMITATION OR REMISSION AND MAY PROVIDE THAT SUCH LIMITATION OR
27 REMISSION SHALL ONLY APPLY TO PROPERTIES DESIGNATED AS HISTORIC LAND-
28 MARKS.

29 S 3. This act shall take effect immediately.