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

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:

Section 1. Subdivision 17-a of section 64 of the town law, as added by chapter 426 of the laws of 1965, is amended to read as follows:

17-a. Historic places. The town board may provide for the preservation and protection of places, buildings, works of art and other objects having a special character or aesthetic interest or value and also may provide for appropriate and reasonable control of the use or appearance of neighborhood private property within public view. Any such measures, if adopted in the exercise of police power, shall be reasonable and appropriate to the purpose, or if constituting a taking of private property, shall provide for due compensation[, which may include the limitation or remission of taxes]. *ANY PROPERTY OWNER WHOSE PROPERTY IS WITHIN AN HISTORIC DISTRICT OR DESIGNATED AN HISTORIC LANDMARK MAY MAKE APPLICATION TO THE ASSESSOR FOR A LIMITATION OR REMISSION OF THE TAXES ASSESSED ON SAID PROPERTY. SAID LIMITATION OR REMISSION SHALL BE SOLELY FOR THE PURPOSE OF AND IN AN AMOUNT CALCULATED TO COMPENSATE SAID PROPERTY OWNER FOR ADDED COSTS, IF ANY, OF MAINTAINING HIS PROPERTY IN ACCORDANCE WITH THE REQUIREMENTS FOR HISTORIC DISTRICTS OR LANDMARKS. THE TOWN MAY ESTABLISH A MAXIMUM AMOUNT OR PERCENTAGE FOR SUCH LIMITATION OR REMISSION AND MAY PROVIDE THAT SUCH LIMITATION OR REMISSION 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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S 2. Section 96-a of the general municipal law, as added by chapter 513 of the laws of 1968, is amended to read as follows:

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

S 3. This act shall take effect immediately.