STATE OF NEW YORK

6776

2019-2020 Regular Sessions

IN ASSEMBLY

March 20, 2019

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

AN ACT to amend the village law, in relation to village incorporation

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. The opening paragraph of subdivision 1 of section 2-200 of the village law is amended to read as follows:

A territory containing a population of at least [~~five hundred~~] **two thousand** persons who are regular inhabitants thereof, as hereinafter defined, may be incorporated as a village under this chapter provided such territory does not include a part of a city or village and further provided the limits of such territory:

§ 2. Paragraph a of subdivision 1 of section 2-202 of the village law is amended to read as follows:

a. Petitioners. [~~Either one or both of the following two groups of persons may petition for such incorporation:~~

~~(1)~~] At least [~~twenty~~] **fifty-one** per cent of the residents of such territory qualified to vote for town officers in a town in which all or part of such territory is located.

[~~(2) The owners of more than fifty percent in assessed valuation of the real property in such territory assessed upon the last completed assessment roll of the town in which such territory is located. However, if such territory is located in more than one town it shall be required in computing such percentage to equalize the assessed valuations for each town; furthermore, in such case, the petition must be signed by the owners of more than fifty percent in full valuation of the real property in each part of each town in such territory and computed separately for each such part, and assessed upon the last completed assessment rolls of the towns in which any part of such territory is located. Full valuation shall be determined by applying the appropriate equalization rate to such assessed valuations. If real property in such territory is owned by~~

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

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~~tenants in common, joint tenants or tenants by the entirety, each such tenant, as a signer of such petition shall, for the purpose of ascertaining the percentage of the assessed valuation upon which the petition is based, be considered as the owner of an interest in such real property equal to the result reached by dividing the assessed valuation by the number of owners thereof and shall be credited to that extent with part of the total assessed valuation thereof. In the event such real property is part of a parcel of land partially situated within such territory, the town assessor or assessors shall, for the purposes of this section make an apportionment of the assessed value of such part as is in such territory. In such a case, only the apportioned value attributed to such part shall be considered.~~]

§ 3. Subdivision 1 of section 2-206 of the village law, paragraph b as amended by chapter 167 of the laws of 1985 and paragraph e as amended by chapter 561 of the laws of 1975, is amended to read as follows:

1. The supervisor, or supervisors if a joint hearing, with whom the petition or copies thereof, were filed, shall meet at the time and place specified in such notice and shall hear objections which may be presented as to the legal sufficiency of the petition for incorporation based upon any of the following grounds:

a. That a person signing such petition was not qualified therefor;

b. If it is alleged that the petition is submitted on the basis that the persons signing such petition constitute [~~twenty~~] **fifty-one** per cent of the residents in such territory qualified to vote for officers of a town in which all or part of such territory is located, that such allegation is false;

c. [~~If it is alleged that the petition is submitted on the basis that the persons signing such petition are the owners of more than fifty percent in assessed valuation of the real property in such territory or in full valuation of the real property in each part of each town in such territory and computed separately for each such part, as the case may be, assessed upon the last completed assessment roll or rolls of the town or towns in which all or part of such territory is located, that such allegation is false;~~

~~d.~~] That such territory is part of a city or village;

[~~e.~~] **d.** That if such territory is less than an entire town, it contains more than five square miles and the limits of such territory are not coterminous with the entire boundaries of one school, fire, fire protection, fire alarm, town special or town improvement district and the limits of such territory are not coterminous with parts of the boundaries of more than one school, fire, fire protection, fire alarm, town special or town improvement district, all of which are wholly contained within such limits and within one town;

[~~f.~~] **e.** That such territory does not contain a population of at least [~~five hundred~~] **two thousand** regular inhabitants;

[~~g.~~] **f.** That the petition in any other specified respect does not conform to the requirements of this article.

§ 4. Section 2-216 of the village law is amended to read as follows:

§ 2-216 Qualification of voters. [~~Each resident in such territory qualified to vote for town officers may vote at such election~~] **Residents of any town or towns in which the territory seeking approval to incorporate as a village is located, and who is qualified to vote for town officers, shall be eligible to vote at such election**.

§ 5. This act shall take effect on the one hundred twentieth day after it shall have become a law.