STATE OF NEW YORK

9108

IN ASSEMBLY

January 31, 2022

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

AN ACT to amend the general municipal law, in relation to certain notice requirements for the acquisition of real property for open space, historic preservations, or urban renewal purposes

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

Section 1. Subdivision 2 of section 247 of the general municipal law, as amended by chapter 892 of the laws of 1972, is amended to read as follows:

2. The acquisition of interests or rights in real property for the preservation of open spaces and areas shall constitute a public purpose for which public funds may be expended or advanced, and any county, city, town or village after [~~due notice and~~] a public hearing **upon ten days' notice** may acquire, by purchase, gift, grant, bequest, devise, lease or otherwise, the fee or any lesser interest, development right, easement, covenant, or other contractual right necessary to achieve the purposes of this chapter, to land within such municipality. In the case of a village the cost of such acquisition of interests or rights may be incurred wholly at the expense of the village, at the expense of the owners of the lands benefited thereby, or partly at the expense of such owners and partly at the expense of the village at large as a local improvement in the manner provided by article twenty-two in the village law entitled local improvements.

§ 2. Subdivision 3 of section 119-dd of the general municipal law, as added by chapter 354 of the laws of 1980, is amended to read as follows:

3. After [~~due notice and~~] **a** public hearing **upon ten days' notice**, by purchase, gift, grant, bequest, devise, lease or otherwise, acquire the fee or any lesser interest, development right, easement, covenant or other contractual right necessary to achieve the purposes of this article, to historical or cultural property within its jurisdiction. After acquisition of any such interest pursuant to this subdivision, the effect of the acquisition on the valuation placed on any remaining

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

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private interest in such property for purposes of real estate taxation shall be taken into account.

§ 3. Subdivisions 2 and 3 of section 505 of the general municipal law, subdivision 2 as amended by chapter 723 of the laws of 1963 and subdivision 3 as amended by chapter 133 of the laws of 1996, are amended to read as follows:

2. The urban renewal plan for the designated area, or for a part or portion of such area, shall be submitted to the commission which shall certify, after a public hearing held on [~~due notice~~] **ten days' notice**, whether such plan complies with the provisions of subdivision seven of section five hundred two of this article and conforms to the finding made pursuant to section five hundred four of this article. The commission shall submit its report to the governing body, not later than ten weeks from the date of referral of the plan to it, certifying its unqualified approval, its disapproval, or its qualified approval with recommendations for modifications therein.

3. After a public hearing, held on [~~due notice~~] **ten days' notice** after the report is received or due from the commission, the governing body may:

(a) if the commission shall have certified its unqualified approval, approve the plan by a majority vote;

(b) if the commission shall have certified its disapproval or shall have failed to make its report within ten weeks from the date such plan was submitted to it by the agency, nevertheless approve the plan, but only by a three-fourths vote;

(c) if the commission shall have certified its qualified approval together with recommendations for modifications, approve the plan together with the modifications recommended by the commission by a majority vote, or approve the plan without such modifications but only by a three-fourths vote.

§ 4. Section 506 of the general municipal law, as added by chapter 402 of the laws of 1961, subdivision 1 as amended by chapter 947 of the laws of 1965, paragraph (a) of subdivision 1 as amended by chapter 748 of the laws of 1967 and paragraph c of subdivision 1 as added by chapter 772 of the laws of 1967, is amended to read as follows:

§ 506. Acquisition of property. 1. [~~(a)~~] A municipality, acting through its governing body, may acquire by purchase, gift, devise, lease, condemnation or otherwise, in accordance with the provisions of the appropriate general, special or local law applicable to the acquisition of real property by such municipality, real property or any interest therein, including but not limited to air rights, and easements or other rights of user necessary for the use and development of such air rights, to be developed as air rights sites for the elimination of the blighting influences of an area or areas consisting principally of land in streets, alleys, highways, and other public rights of way, railway or subway tracks, bridge or tunnel approaches or entrances, or other similar facilities which have a blighting influence on the surrounding area, necessary for or incidental to a program of urban renewal for residential, commercial, industrial, public, semi-public, community or other uses or combinations of such uses in accordance with an urban renewal plan for a designated area, or for a part or portion of such area, provided, however, that the acquisition of any air rights over railroad tracks, rights of way or facilities and easements or other rights of user necessary for the use and development of such air rights are to be subject to the provision of section fifty-one-a of the railroad law. The acquisition of real property within a designated urban renewal area

shall in every case be deemed to be and constitute a continuous rather than separate takings.

[~~(b)~~] **2.** Property so acquired by a municipality shall be exempt from taxation until sold, leased for a term not exceeding ninety-nine years or otherwise disposed of in accordance with the provisions of this article of this chapter; provided however, that any such municipality shall have the power and authority, with respect to such property, to pay or transfer, out of funds available to it for the effectuating of such urban renewal program, annual sums in lieu of taxes to any taxing jurisdiction providing services to the urban renewal area, or to the part or portion thereof within such taxing jurisdiction, in order that no such taxing jurisdiction shall suffer an inequitable loss of revenue by virtue of such urban renewal program; provided, further, that the amount so paid or transferred for any year with respect to any such property shall not exceed the lesser of [~~(1)~~]**:** **(a)** the sum last levied for the benefit of such taxing jurisdiction as an annual tax on such property prior to the time of its acquisition for urban renewal purposes**;** or [~~(2)~~] **(b)** such amount as shall be approved by the commissioner, pursuant to such rules, regulations, limitations and conditions as he may prescribe, as an eligible and proper charge against such urban renewal program. Upon the sale, lease or disposition of such property to any person, firm or corporation not entitled to an exemption from taxation or entitled to only a partial tax exemption such property shall immediately become subject to taxation in whole or in part, as the case may be, and shall be taxed pro rata for the unexpired portion of the taxable year.

As used in this [~~paragraph~~] **subdivision**, the term "taxing jurisdiction" means any municipal corporation or district corporation, including any school district or any special district, having the power to levy or collect taxes and benefit assessments upon real property, or in whose behalf such taxes or benefit assessments may be levied or collected.

[~~c.~~] **3.** Notwithstanding any other provisions of this article, a municipality may acquire by purchase, gift, devise, lease, condemnation or otherwise, upon recommendation of the agency and in accordance with the appropriate provisions of any general, special or local law or charter applicable to the acquisition of real property by such municipality, such real property or any interest therein, within an area designated pursuant to this article as appropriate for urban renewal, as it may deem ultimately necessary or proper to effectuate the purposes of this article although temporarily not required for such purposes, provided that the early acquisition of such property is approved as follows:

[~~(1)~~] **(a)** In a municipality where there is a planning commission, the agency shall submit the proposal for early acquisition to the commission for its approval. Such planning commission shall, not later than ten weeks from the date of the referral of the proposal to it, after a public hearing held on [~~due notice~~] **ten days' notice**, submit its report to the governing body certifying its unqualified consent, its disapproval, or its qualified consent with recommendations for modifications of the proposal.

After public hearing held on [~~due notice~~] **ten days' notice** after the report is received or due from the planning commission, the governing body may:

(i) if the commission shall have certified its unqualified consent, approve the proposal by a majority vote:

(ii) if the commission shall have certified its disapproval or shall have failed to make its report within ten weeks from the date such

proposal was submitted to it by the agency, nevertheless approve the proposal, but only by a three-fourths vote:

(iii) if the commission shall have certified its qualified consent together with recommendations for modifications of the proposal, approve the proposal together with the modifications recommended by the commission by a majority vote, or approve the proposal without such modifications but only by a three-fourths vote.

[~~(2)~~] **(b)** In a municipality where there is no planning commission, the agency shall submit the proposal to the governing body which, after public hearing held on [~~due notice~~] **ten days' notice**, may either approve or disapprove the proposal.

§ 5. Section 555 of the general municipal law, as amended by chapter 912 of the laws of 1966, paragraph (a) of subdivision 1 as amended by chapter 748 of the laws of 1967, paragraph (c) of subdivision 1 as added by chapter 311 of the laws of 1968, the opening paragraph of paragraph (c) of subdivision 1 as amended by chapter 247 of the laws of 1970 and subparagraphs 1 and 2 of paragraph (c) of subdivision 1 as amended by chapter 1002 of the laws of 1969, is amended to read as follows:

§ 555. Acquisition of property. 1. [~~(a)~~] Real property or any interest therein, including but not limited to air rights, and easements or other rights of user necessary for the use and development of such air rights, to be developed as air rights sites for the elimination of the blighting influences over an area or areas consisting principally of land in streets, alleys, highways, and other public rights of way, railway or subway tracks, bridge or tunnel approaches or entrances, or other similar facilities which have a blighting influence on the surrounding area necessary for or incidental to any urban renewal program or part thereof in accordance with an urban renewal plan may be acquired by an agency by gift, grant, devise, purchase, condemnation or otherwise and by a municipality for and on behalf of an agency by condemnation. Property may be acquired by condemnation by an agency or by a municipality for an agency pursuant to the condemnation law or pursuant to the laws relating to the condemnation of land by the municipality for which the agency is acting or the municipality, as the case may be.

[~~(b)~~] **2.** Property so acquired by an agency, or by a municipality in behalf of an agency, shall be exempt from taxation until sold, leased for a term not exceeding ninety-nine years or otherwise disposed of in accordance with the provisions of this article or article fifteen of this chapter; provided, however, that any such agency shall have the power and authority, with respect to such property, to pay, out of funds available to it for the effectuating of such urban renewal program, annual sums in lieu of taxes to any taxing jurisdiction providing services to the urban renewal area, or to the part or portion thereof within such taxing jurisdiction, in order that no such taxing jurisdiction shall suffer an inequitable loss of revenue by virtue of such urban renewal program; provided, further, that the amount so paid for any year with respect to any such property shall not exceed the lesser of [~~(1)~~]**:** **(a)** the sum last levied for the benefit of such taxing jurisdiction as an annual tax on such property prior to the time of its acquisition for urban renewal purposes**;** or [~~(2)~~] **(b)** such amount as shall be approved by the commissioner, pursuant to such rules, regulation, limitations and conditions as he may prescribe, as an eligible and proper charge against such urban renewal program. Upon the sale, lease or disposition of such property to any person, firm or corporation not entitled to an exemption from taxation or entitled to only a partial tax exemption such property shall immediately become subject to taxation in whole or in part, as the

case may be, and shall be taxed pro rata for the unexpired portion of the taxable year.

As used in this [~~paragraph~~] **subdivision**, the term "taxing jurisdiction" means any municipal corporation or district corporation including any school district or any special district, having the power to levy or collect taxes and benefit assessments upon real property, or in whose behalf such taxes or benefit assessments may be levied or collected.

[~~(c)~~] **3.** Notwithstanding any other provisions of this article, an agency may acquire by purchase, gift, devise, condemnation or otherwise, in accordance with the appropriate provisions of any general, special or local law or charter applicable to the acquisition of real property by such agency, such real property or any interest therein, within an area designated pursuant to article fifteen of this chapter as appropriate for urban renewal, as it may deem ultimately necessary or proper to effectuate the purposes of this article although temporarily not required for such purposes, provided that the early acquisition of such property is approved as follows:

[~~(1)~~] **(a)** In a municipality where there is a planning commission, the agency shall submit the proposal for early acquisition to the commission for its approval. Such planning commission shall, not later than ten weeks from the date of the referral of the proposal to it, after a public hearing held on [~~due notice~~] **ten days' notice**, submit its report to the governing body certifying its unqualified consent, its disapproval, or its qualified consent with recommendations for modifications of the proposal.

After public hearing held on [~~due notice~~] **ten days' notice** after the report is received or due from the planning commission, the governing body may:

(i) if the commission shall have certified its unqualified consent, by majority vote authorize the agency to proceed with the acquisition;

(ii) if the commission shall have certified its disapproval or shall have failed to make its report within ten weeks from the date such proposal was submitted to it, nevertheless authorize the agency to proceed with the acquisition, but only by a three-fourths vote;

(iii) if the commission shall have certified its qualified consent together with recommendations for modifications of the proposal, authorize the agency to proceed with the acquisition in accordance with the modifications recommended by the commission, by majority vote, or authorize such acquisition without such modifications but only by a three-fourths vote.

[~~(2)~~] **(b)** In a municipality where there is no planning commission, the agency shall submit the proposal to the governing body which after public hearing held on [~~due notice~~] **ten days' notice**, may either approve or disapprove the proposal.

§ 6. This act shall take effect immediately.