

STATE OF NEW YORK

10690

IN ASSEMBLY

August 28, 2024

Introduced by COMMITTEE ON RULES -- (at request of M. of A. Burdick) --
read once and referred to the Committee on Local Governments

AN ACT to amend the general municipal law, in relation to authorizing communities statewide to establish community preservation funds and to authorizing the provision of grants of such funds to historic preservation societies

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

1 Section 1. Subdivisions 1, 3, 4 and 6 of section 6-s of the general
2 municipal law, as added by chapter 596 of the laws of 2007 and paragraph
3 (d) of subdivision 1 as amended by chapter 608 of the laws of 2019, are
4 amended to read as follows:

5 1. As used in this section, the following words and terms shall have
6 the following meanings:

7 (a) "Community preservation" shall mean and include any of the
8 purposes outlined in subdivision four of this section.

9 (b) "Board" means the advisory board required pursuant to subdivision
10 five of this section.

11 (c) "Fund" means the community preservation fund created pursuant to
12 subdivision two of this section.

13 (d) "Designated community" means any town or city within the [~~Hudson~~
14 ~~Valley counties of Putnam, Ulster, or Westchester~~] state.

15 (e) "Tax" means the real estate transfer tax payable on a real proper-
16 ty conveyance pursuant to section fifteen hundred sixty-one of the tax
17 law, but shall have a different meaning if the context clearly indicates
18 such as the real estate transfer tax imposed pursuant to article thir-
19 ty-one of the tax law.

20 (f) "Historic preservation society" means a not-for-profit tax exempt
21 corporation operated for conservation, environmental, or historic pres-
22 ervation purposes.

23 3. The purposes of the fund shall be exclusively, (a) to implement a
24 plan for the preservation of community character as required by this
25 section, (b) to acquire interests or rights in real property for the
26 preservation of community character within the designated community

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

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1 including villages therein in accordance with such plan and in cooper-
2 ation with willing sellers, (c) to establish a bank pursuant to a trans-
3 fer of development rights program consistent with section two hundred
4 sixty-one-a of the town law and section twenty-f of the general city
5 law, (d) to provide a management and stewardship program for such inter-
6 ests and rights consistent with subdivision nine of this section and in
7 accordance with such plan designed to preserve community character;
8 provided that not more than ten percent of the fund shall be utilized
9 for such management and stewardship program, [~~and~~] (e) to make payments
10 to school, fire, fire protection and ambulance districts in connection
11 with lands within the designated community that are owned by the state
12 or any municipal corporation, and (f) to make grants to historic preser-
13 vation societies operating within the designated community establishing
14 the community preservation fund. Such payments may only be made to
15 districts where more than twenty-five percent of the assessed value of
16 such district is wholly exempt from real property taxation pursuant to
17 the real property tax law because it is owned by the state or a municip-
18 al corporation. Not more than ten percent of the fund may be used for
19 such purpose in any calendar year. Such payments from the fund shall not
20 exceed the actual tax liability that would have been due if such lands
21 of the state or of a municipal corporation had been subject to real
22 property taxation. Where more than one district is eligible for such a
23 payment under this paragraph, and such payment is less than the actual
24 tax liability that would have been due if such lands of the state or a
25 municipal corporation had been subject to real property taxation, the
26 designated community shall apportion such annual payment on the basis of
27 the total tax levied by each district within the designated community
28 for the year such payment is made. Such payment made by the designated
29 community shall be used solely to reduce the property tax liability of
30 the remaining taxpayers of the district within such designated communi-
31 ty. If the implementation of the community preservation project plan,
32 adopted by a governing body, as provided in subdivision six of this
33 section, has been completed, and funds are no longer needed for the
34 purposes outlined in this subdivision, then any remaining monies in the
35 fund shall be applied to reduce any bonded indebtedness or obligations
36 incurred to effectuate the purposes of this section.

37 4. Preservation of community character shall involve one or more of
38 the following: (a) establishment of parks, nature preserves, or recre-
39 ation areas; (b) preservation of open space; (c) preservation of lands
40 of exceptional scenic value; (d) preservation of fresh and saltwater
41 marshes or other wetlands; (e) preservation of aquifer recharge areas;
42 (f) preservation of undeveloped beachlands or shoreline; (g) establish-
43 ment of wildlife refuges for the purpose of maintaining native animal
44 species diversity, including the protection of habitat essential to the
45 recovery of rare, threatened or endangered species; (h) preservation of
46 unique or threatened ecological areas; (i) preservation of rivers and
47 river areas in a natural, free-flowing condition; (j) preservation of
48 forested land; (k) preservation of public access to lands for public use
49 including stream rights and waterways; (l) preservation of historic
50 places and properties listed on the New York state register of historic
51 places and/or protected under a municipal historic preservation ordi-
52 nance or law, including historic places and properties operated by an
53 historic preservation society operating within the designated community;
54 (m) undertaking any of the paragraphs of this subdivision in furtherance
55 of the establishment of a greenbelt; and (n) preservation of land which
56 is predominantly viable agricultural land, as defined in subdivision

1 seven of section three hundred one of the agriculture and markets law,
2 or unique and irreplaceable agricultural land, as defined in subdivision
3 six of section three hundred one of the agriculture and markets law.

4 6. The governing body of any designated community which has estab-
5 lished a community preservation fund shall, by local law, adopt a commu-
6 nity preservation project plan. This plan shall list every project which
7 the designated community plans to undertake pursuant to the community
8 preservation fund. It shall include every parcel which is necessary to
9 be acquired in the designated community in order to protect community
10 character. Such plan shall provide for a detailed evaluation of all
11 available land use alternatives to protect community character, includ-
12 ing but not limited to: (a) fee simple acquisition, (b) zoning regu-
13 lations, including density reductions, cluster development, and site
14 plan and design requirements, (c) transfer of development rights, (d)
15 the purchase of development rights, and (e) scenic and conservation
16 easements. Such evaluation shall be as specific as practicable as to
17 each parcel selected for inclusion in the plan. The plan shall establish
18 the priorities for preservation. Funds from the community preservation
19 fund may only be expended for projects which have been included in said
20 plan. An historic preservation society seeking a grant of funds for the
21 preservation of a place or property it operates shall submit a detailed
22 plan describing the preservation measures it seeks to implement to the
23 governing body of the designated community for inclusion in the plan and
24 any updates thereof. Such plan shall be updated not less than once every
25 five years. A copy of the plan shall be filed with the commissioner of
26 environmental conservation, the commissioner of agriculture and markets
27 and the commissioner of the office of parks, recreation and historic
28 preservation. Such plan shall be completed at least sixty days before
29 the submission of the mandatory referendum required by section fifteen
30 hundred sixty-one of the tax law and shall be made available for public
31 review at the designated community clerk's office, at any public
32 libraries within the designated community, and where practical posted on
33 the municipality's website.

34 § 2. This act shall take effect on the first of January next succeed-
35 ing the date upon which it shall have become a law.