

STATE OF NEW YORK

1490

2023-2024 Regular Sessions

IN ASSEMBLY

January 17, 2023

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:

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

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

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

20 3. After [~~due notice and~~] a public hearing upon ten days' notice, by
21 purchase, gift, grant, bequest, devise, lease or otherwise, acquire the
22 fee or any lesser interest, development right, easement, covenant or
23 other contractual right necessary to achieve the purposes of this arti-
24 cle, to historical or cultural property within its jurisdiction. After

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

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1 acquisition of any such interest pursuant to this subdivision, the
2 effect of the acquisition on the valuation placed on any remaining
3 private interest in such property for purposes of real estate taxation
4 shall be taken into account.

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

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

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

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

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

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

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

38 § 506. Acquisition of property. 1. [~~(a)~~] A municipality, acting
39 through its governing body, may acquire by purchase, gift, devise,
40 lease, condemnation or otherwise, in accordance with the provisions of
41 the appropriate general, special or local law applicable to the acquisi-
42 tion of real property by such municipality, real property or any inter-
43 est therein, including but not limited to air rights, and easements or
44 other rights of user necessary for the use and development of such air
45 rights, to be developed as air rights sites for the elimination of the
46 blighting influences of an area or areas consisting principally of land
47 in streets, alleys, highways, and other public rights of way, railway or
48 subway tracks, bridge or tunnel approaches or entrances, or other simi-
49 lar facilities which have a blighting influence on the surrounding area,
50 necessary for or incidental to a program of urban renewal for residen-
51 tial, commercial, industrial, public, semi-public, community or other
52 uses or combinations of such uses in accordance with an urban renewal
53 plan for a designated area, or for a part or portion of such area,
54 provided, however, that the acquisition of any air rights over railroad
55 tracks, rights of way or facilities and easements or other rights of
56 user necessary for the use and development of such air rights are to be

1 subject to the provision of section fifty-one-a of the railroad law. The
2 acquisition of real property within a designated urban renewal area
3 shall in every case be deemed to be and constitute a continuous rather
4 than separate takings.

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

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

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

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

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

55 (i) if the commission shall have certified its unqualified consent,
56 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

1 from taxation or entitled to only a partial tax exemption such property
2 shall immediately become subject to taxation in whole or in part, as the
3 case may be, and shall be taxed pro rata for the unexpired portion of
4 the taxable year.

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

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

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

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

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

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

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

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

47 § 6. This act shall take effect immediately.