

STATE OF NEW YORK

8572

IN ASSEMBLY

January 11, 2024

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

AN ACT to amend the village law, in relation to the incorporation of villages; to amend a chapter of the laws of 2023 amending the village law relating to the incorporation of villages, as proposed in legislative bills numbers S. 7538 and A. 7754, in relation to the effectiveness thereof; and to repeal certain provisions of such law relating thereto

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

Section 1. Subdivision 1 of section 2-200 of the village law, as amended by a chapter of the laws of 2023 amending the village law relating to the incorporation of villages, as proposed in legislative bills numbers S. 7538 and A. 7754, is amended to read as follows:

1. A territory containing a population of at least [~~two~~] one thousand five hundred 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:

a. do not contain more than five square miles; or

b. are coterminous with the entire boundaries of a school, fire, fire protection, fire alarm, town special or town improvement district; or

c. are 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; or

d. are coterminous with the entire boundaries of a town.

§ 2. Subparagraph 3 of paragraph b of subdivision 1 of section 2-202 of the village law, as amended by a chapter of the laws of 2023 amending the village law relating to the incorporation of villages, as proposed in legislative bills numbers S. 7538 and A. 7754, is amended to read as follows:

(3) An allegation that such territory contains a population of at least [~~two~~] one thousand five hundred regular inhabitants.

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

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§ 3. Paragraph e of subdivision 1 of section 2-206 of the village law, as amended by a chapter of the laws of 2023 amending the village law relating to the incorporation of villages, as proposed in legislative bills numbers S. 7538 and A. 7754, is amended to read as follows:

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

§ 4. Paragraph g of subdivision 1 of section 2-206 of the village law, as amended by a chapter of the laws of 2023 amending the village law relating to the incorporation of villages, as proposed in legislative bills numbers S. 7538 and A. 7754, is REPEALED.

§ 5. Section 2-260 of the village law, as added by a chapter of the laws of 2023 amending the village law relating to the incorporation of villages, as proposed in legislative bills numbers S. 7538 and A. 7754, is renumbered to be section 2-259.

§ 6. Section 5 of a chapter of the laws of 2023 amending the village law relating to the incorporation of villages, as proposed in legislative bills numbers S. 7538 and A. 7754, is amended to read as follows:

§ 5. This act shall take effect ~~[immediately, provided however, that for village incorporation petitions that have collected signatures prior to the effective date of this act, nothing in this act shall deem such petition signatures invalid, and provided further, that the provisions of this act shall apply to all such existing village incorporation petitions, including, without limitation, the new requirements pursuant to section 2-260 of the village law; and provided further, that such existing village incorporation petitions shall be required to add additional signatures, if necessary, to meet the new population threshold established by section 2-200 of the village law]~~ on January 1, 2024; provided that any village incorporation petitions associated by having at least one common petition signature witness on either of the two petitions that were initially filed on a date in February 2017 and May 2019, respectively, in a town with a population of more than ninety thousand as of the latest federal decennial census located in a county with a population of more than nine hundred thousand as of the latest federal decennial census: (a) shall not be subject to this act and shall continue to be subject to the provisions of article 2 of the village law in effect as of June 1, 2023, so long as such village incorporation processes are concluded prior to January 1, 2040; and (b) if such petitions are denied, any subsequent village incorporation petitions associated with such petitions shall also continue to be subject to the provisions of article 2 of the village law in effect as of June 1, 2023, so long as such incorporation processes associated with such petitions are complete prior to January 1, 2040. Provided further, that for any village incorporation petitions that were initially filed on a date in February 2017 and May 2019, respectively, in a town with a population of more than ninety thousand as of the latest federal decennial census located in a county with a population of more than nine hundred thousand as of the latest federal decennial census, a study on the fiscal, service, and taxation interests of the population which would constitute the residents of such village and the population which constitutes the residents of such town in which such village would be established shall be prepared for such proposed village incorporation, conducted by the Center for Government Research or other qualified institution and such study shall be posted on the public-facing portion of the department of state website for ninety days prior to the commencement of any referendum for the approval of such a village pursuant to article 2 of the village law, and provided that where any subsequent village incorpo-

1 ration petitions associated with such petitions shall be filed, then the
2 requirements of this section shall be deemed satisfied by the re-publi-
3 cation of such study, and further provided, however, that (i) such
4 state-funded study shall be submitted for posting on the public-facing
5 portion of the department of state website by no later than April 1,
6 2024; (ii) such study shall be posted on the department of state website
7 no later than thirty days after it is submitted for posting; and (iii)
8 the adequacy of any such state-funded Center for Government Research, or
9 other qualified institution conducted study shall not be a basis for
10 objecting to the village incorporation petition or the scheduling of any
11 such referendum for approval of such village; provided further, the
12 provisions of this act shall not apply to petitions where there is a
13 joint notice of election specifying a date and time of the election and
14 signed by the town clerks of each affected town pursuant to section
15 2-214 of the village law, dated December 22, 2023 or earlier.

16 § 7. Severability. If any clause, sentence, paragraph, section or part
17 of this act or application thereof to any municipality, person or
18 circumstances shall be adjudged by any court of competent jurisdiction
19 to be invalid or unconstitutional, such judgment shall not affect,
20 impair or invalidate the application of the remainder thereof to any
21 municipalities, persons and circumstances, but shall be confined in its
22 operation to the clause, sentence, paragraph, section or part thereof
23 directly involved in the controversy in which such judgment shall have
24 been rendered, and the legislature hereby declares that it would have
25 enacted this article without the invalid provision or application, as
26 the case may be, had such invalidity been apparent.

27 § 8. This act shall take effect immediately, provided however, that
28 sections one, two, three, four and five of this act shall take effect on
29 the same date and in the same manner as a chapter of the laws of 2023
30 amending the village law relating to the incorporation of villages, as
31 proposed in legislative bills numbers S. 7538 and A. 7754, takes effect.