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:

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

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

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

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

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

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

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

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

3. The purposes of the fund shall be exclusively, (a) to implement a plan for the preservation of community character as required by this section, (b) to acquire interests or rights in real property for the 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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including villages therein in accordance with such plan and in cooperation with willing sellers, (c) to establish a bank pursuant to a transfer of development rights program consistent with section two hundred sixty-one-a of the town law and section twenty-f of the general city law, (d) to provide a management and stewardship program for such interests and rights consistent with subdivision nine of this section and in accordance with such plan designed to preserve community character; provided that not more than ten percent of the fund shall be utilized for such management and stewardship program, [~~and~~] (e) to make payments to school, fire, fire protection and ambulance districts in connection with lands within the designated community that are owned by the state or any municipal corporation**, and (f) to make grants to historic preservation societies operating within the designated community establishing the community preservation fund**. Such payments may only be made to districts where more than twenty-five percent of the assessed value of such district is wholly exempt from real property taxation pursuant to the real property tax law because it is owned by the state or a municipal corporation. Not more than ten percent of the fund may be used for such purpose in any calendar year. Such payments from the fund shall not exceed the actual tax liability that would have been due if such lands of the state or of a municipal corporation had been subject to real property taxation. Where more than one district is eligible for such a payment under this paragraph, and such payment is less than the actual tax liability that would have been due if such lands of the state or a municipal corporation had been subject to real property taxation, the designated community shall apportion such annual payment on the basis of the total tax levied by each district within the designated community for the year such payment is made. Such payment made by the designated community shall be used solely to reduce the property tax liability of the remaining taxpayers of the district within such designated community. If the implementation of the community preservation project plan, adopted by a governing body, as provided in subdivision six of this section, has been completed, and funds are no longer needed for the purposes outlined in this subdivision, then any remaining monies in the fund shall be applied to reduce any bonded indebtedness or obligations incurred to effectuate the purposes of this section.

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

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

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

§ 2. This act shall take effect on the first of January next succeeding the date upon which it shall have become a law.