STATE OF NEW YORK

8904

IN ASSEMBLY

January 26, 2024

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

AN ACT to amend the general municipal law, the general city law, the town law and the village law, in relation to requiring municipalities to determine whether it is in the public interest to create and periodically update a comprehensive plan to ensure that it addresses housing needs

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

Section 1. Subdivisions 2, 8, 9 and 10 of section 239-d of the general municipal law, as added by chapter 451 of the laws of 1997, are amended to read as follows:

2. Preparation. The county legislative body, or by resolution of such body the planning board or a special board, [~~may~~] **shall determine whether it is in the public interest to** prepare a proposed county comprehensive plan [~~and~~]**,** amendments thereto **and updates thereof to ensure that it addresses housing needs**. In the event the planning board or special board is directed to prepare a proposed comprehensive plan or amendment thereto **or update thereof to ensure that it addresses housing needs**, such board shall, by resolution, recommend such proposed plan or amendment to the county legislative body.

8. Filing of adopted county comprehensive plan. The adopted county comprehensive plan [~~and~~]**,** any amendments thereto **and all updates thereof** shall be filed in the office of the county clerk or register and a copy thereof filed in the office of the county planning board, with the secretary of state, as well as with the clerk of each municipality within the county.

9. Effect of adoption. (a) All county land acquisitions and public improvements, including those identified in the county official map adopted or amended pursuant to this article, shall be in accordance with a county comprehensive plan[~~, if one exists~~].

(b) All plans for capital projects of a municipality or state governmental agency on land included in the county comprehensive plan adopted pursuant to this section shall take such plan into consideration.

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

LBD11912-03-4

10. Periodic review. The county legislative body shall provide, as a component of such proposed county comprehensive plan, the maximum intervals at which the adopted plan shall be reviewed; provided, however, that the county legislature shall determine whether it is in the public interest to update the comprehensive plan at least once in every ten-year period to ensure that it addresses housing needs.

§ 2. Subdivisions 5, 11 and 13 of section 28-a of the general city law, as added by chapter 418 of the laws of 1995, are amended to read as follows:

5. Preparation. The legislative body of the city, or by resolution of such body, the planning board or a special board, [~~may~~] shall determine whether it is in the public interest to prepare a proposed city comprehensive plan [~~and~~], amendments thereto and updates thereof to ensure that it addresses housing needs. In the event the planning board or special board is directed to prepare a proposed comprehensive plan or amendment thereto or update thereof to ensure that it addresses housing needs, such board shall, by resolution, recommend such proposed plan or amendment to the legislative body of the city.

11. Periodic review. The legislative body of the city shall provide, as a component of such proposed comprehensive plan, the maximum intervals at which the adopted plan shall be reviewed; provided, however, that the legislative body of the city shall determine whether it is in the public interest to update the comprehensive plan at least once in every ten-year period to ensure that it addresses housing needs.

13. Filing of city comprehensive plan. The adopted city comprehensive plan [~~and~~], any amendments thereto and all updates thereof shall be filed in the office of the city clerk and a copy thereof shall be filed in the office of the county planning agency.

§ 3. Subdivisions 4, 10 and 12 of section 272-a of the town law, as added by chapter 418 of the laws of 1995, are amended to read as follows:

4. Preparation. The town board, or by resolution of such town board, the planning board or a special board, [~~may~~] shall determine whether it is in the public interest to prepare a proposed town comprehensive plan [~~and~~], amendments thereto and updates thereof to ensure that it addresses housing needs. In the event the planning board or special board is directed to prepare a proposed comprehensive plan or amendment thereto or update thereof to ensure that it addresses housing needs, such board shall, by resolution, recommend such proposed plan or amendment to the town board.

10. Periodic review. The town board shall provide, as a component of such proposed comprehensive plan, the maximum intervals at which the adopted plan shall be reviewed; provided, however, that the town board shall determine whether it is in the public interest to update the comprehensive plan at least once in every ten-year period to ensure that it addresses housing needs.

12. Filing of town comprehensive plan. The adopted town comprehensive plan [~~and~~], any amendments thereto and all updates thereof shall be filed in the office of the town clerk and a copy thereof shall be filed in the office of the county planning agency.

§ 4. Subdivisions 4, 10 and 12 of section 7-722 of the village law, as added by chapter 418 of the laws of 1995, are amended to read as follows:

4. Preparation. The village board of trustees, or by resolution of such village board of trustees, the planning board or a special board, [~~may~~] shall determine whether it is in the public interest to prepare a

proposed village comprehensive plan [~~and~~], amendments thereto **and updates thereof to ensure that it addresses housing needs**. In the event the planning board or special board is directed to prepare a proposed comprehensive plan or amendment thereto **or update thereof to ensure that it addresses housing needs**, such board shall, by resolution, recommend such proposed plan or amendment to the village board of trustees.

10. Periodic review. The village board shall provide, as a component of such proposed comprehensive plan, the maximum intervals at which the adopted plan shall be reviewed**; provided, however, that the village board of trustees shall determine whether it is in the public interest to update the comprehensive plan at least once in every ten-year period to ensure that it addresses housing needs**.

12. Filing of village comprehensive plan. The adopted village comprehensive plan [~~and~~], any amendments thereto **and all updates thereof** shall be filed in the office of the village clerk and a copy thereof shall be filed in the office of the county planning agency.

§ 5. Article 3 of the general city law is amended by adding a new article heading to read as follows:

ZONING AND PLANNING

§ 6. Any municipality that does not have a comprehensive plan for such municipality shall develop one no later than January 1, 2029 if it is determined to be in the public interest. Any municipality that has a comprehensive plan for such municipality that was developed more than ten years prior to the effective date of this act shall revise and update such comprehensive plan to ensure that it addresses housing needs no later than January 1, 2029.

§ 7. This act shall take effect immediately.