

# 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:

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

4 2. Preparation. The county legislative body, or by resolution of such  
5 body the planning board or a special board, [~~may~~] shall determine wheth-  
6 er it is in the public interest to prepare a proposed county comprehen-  
7 sive plan [~~and~~], amendments thereto and updates thereof to ensure that  
8 it addresses housing needs. In the event the planning board or special  
9 board is directed to prepare a proposed comprehensive plan or amendment  
10 thereto or update thereof to ensure that it addresses housing needs,  
11 such board shall, by resolution, recommend such proposed plan or amend-  
12 ment to the county legislative body.

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

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

23 (b) All plans for capital projects of a municipality or state govern-  
24 mental agency on land included in the county comprehensive plan adopted  
25 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.

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

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

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

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

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

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

32 4. Preparation. The town board, or by resolution of such town board,  
33 the planning board or a special board, [~~may~~] shall determine whether it  
34 is in the public interest to prepare a proposed town comprehensive plan  
35 [~~and~~], amendments thereto and updates thereof to ensure that it  
36 addresses housing needs. In the event the planning board or special  
37 board is directed to prepare a proposed comprehensive plan or amend-  
38 ment thereto or update thereof to ensure that it addresses housing needs,  
39 such board shall, by resolution, recommend such proposed plan or amend-  
40 ment to the town board.

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

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

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

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

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

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

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

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

19 ZONING AND PLANNING

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

27 § 7. This act shall take effect immediately.