

STATE OF NEW YORK

8904--A

IN ASSEMBLY

January 26, 2024

Introduced by M. of A. BURDICK, LEVENBERG, GONZALEZ-ROJAS, EPSTEIN --
read once and referred to the Committee on Local Governments --
committee discharged, bill amended, ordered reprinted as amended and
recommitted to said committee

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 peri-
odically update a comprehensive plan to ensure that it addresses hous-
ing needs

The People of the State of New York, represented in Senate and Assem-
bly, 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, by resolution of the county legislature, is directed to prepare a
10 proposed comprehensive plan or amendment thereto or update thereof to
11 ensure that it addresses housing needs, such board shall, by resolution,
12 recommend such proposed plan or amendment to the county legislative
13 body.
- 14 8. Filing of adopted county comprehensive plan. The adopted county
15 comprehensive plan [~~and~~], any amendments thereto and all updates thereof
16 shall be filed in the office of the county clerk or register and a copy
17 thereof filed in the office of the county planning board, with the
18 secretary of state, as well as with the clerk of each municipality with-
19 in the county.
- 20 9. Effect of adoption. (a) All county land acquisitions and public
21 improvements, including those identified in the county official map
22 adopted or amended pursuant to this article, shall be in accordance with
23 a county comprehensive plan [~~, if one exists~~].

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

26 ZONING AND PLANNING

27 § 6. Any municipality that shall have determined by a resolution of
28 its legislative body that it is in the public interest to adopt a
29 comprehensive plan for such municipality, or to amend or update an
30 existing comprehensive plan for such municipality shall have no obli-
31 gation to take such action if no federal, state, county or third party
32 funding therefore has been awarded, granted or otherwise obtained.

33 § 7. This act shall take effect immediately.