STATE OF NEW YORK

10632

IN ASSEMBLY

March 13, 2026

Introduced by M. of A. SOLAGES -- read once and referred to the Committee on Housing

AN ACT to amend the real property law, in relation to providing for the adaptive reuse of certain parcels which are zoned for commercial, office, retail, or parking

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

Section 1. This act shall be known and may be cited as the "Redeveloping Empty and Vacant Infrastructure for Vibrant Economies Act" or the "REVIVE Act".

§ 2. The Legislature finds and declares: For decades, shopping plazas, retail centers, and office parks played a vital role in New York's economic and social fabric. Today, however, many of these properties are in decline due to changing economic conditions, evolving consumer preferences, and the rise of alternative retail and business models. Many such centers and their parking lots have become underutilized or outright0 vacant, such that academics and planners have deemed them to be "stranded assets."

At the same time, New York is confronting a severe housing crisis that demands an aggressive, coordinated response. Addressing this crisis requires innovative approaches that unlock the potential of stranded assets for housing and community development, while thoughtfully balancing statewide housing goals with the needs and preferences of localities. A 2024 report by New York State Comptroller Thomas DiNapoli concludes that, "The State must take action to stimulate community-appropriate development actions and enhance the supply and diversity of the housing stock." An efficient way for the State to increase the housing supply is to open up and streamline the processes for turning vacant retail and parking lots into new homes.

Converting obsolete retail centers and parking lots into vibrant mixed-use communities would promote the general welfare by revitalizing underused properties, creating new opportunities for housing, businesses, and recreation, and strengthening the economic and social vitality of New York's municipalities. One significant impediment to these

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

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conversions is the continued application of outdated and rigid municipal zoning regulations that unnecessarily separate residential and commercial uses. To promote the development of dynamic, mixed-use communities that serve both local and statewide interests, it is appropriate for the Legislature to establish standards that remove barriers to the redevelopment of stranded assets, while balancing the desires of municipalities, to unlock numerous housing opportunities for everyday New Yorkers.

§ 3. The real property law is amended by adding a new article 17 to read as follows:

ARTICLE 17

REVIVE OR REDEVELOPING EMPTY AND VACANT INFRASTRUCTURE FOR VIBRANT ECONOMIES ACT

Section 530. Definitions.
531. Eligible projects.
532. Density, height, parking, and other requirements.

§ 530. Definitions. For the purposes of this article, the following terms shall have the following meanings:

1. "Adaptive reuse" means the repurposing of existing buildings, structures, or lots in whole or in part for residential purposes.

2. "Serviced lot" refers to a legal parcel of land connected to both municipal water and sewer systems or has access to equivalent water and sewer infrastructure to ensure adequate service availability.

3. "Ministerial review" means a non-discretionary approval process based on objective planning standards, without public hearings or subjective local review.

4. "Commercial zone" refers to areas designated under the local zoning code primarily for commercial, office, retail, or parking uses. The term "commercial zone" shall not include zones primarily designated for industrial purposes, except where residential uses are expressly permitted under the applicable municipal zoning regulations.

5. "Parking uses" refers exclusively to sites zoned solely for parking purposes, with no allowance for other types of development or uses.

6. "Eligible project" means a residential or mixed-use development that meets the criteria outlined in section five hundred thirty-one of this article.

7. "Vacancy rate" means the percentage of unoccupied or unused square footage in a building, structure, facility compared to the total square footage of the building, structure or facility.

8. "Eligible project site" means any parcel of land or group of one or more contiguous parcels of land upon which an eligible project is being developed.

§ 531. Eligible projects. Notwithstanding any provision of law, local law, ordinance, resolution or regulation to the contrary, residential and mixed-use developments shall be deemed eligible projects for the purposes of this article and permitted by right on legal parcels that meet all of the following criteria:

1. are a minimum of fifteen thousand square feet.

2. are located in commercial zones or are parcels designated for commercial, office, retail, or parking uses.

3. have a vacancy rate of at least fifty percent for a continuous period of at least one year immediately preceding the application for development.

4. are serviced lots.

5. are not included in any active payment in lieu of taxes agreement, if located entirely outside of a city with a population of one million

or more, unless such agreement including the legal parcels to be developed is modified to explicitly not include such parcels.

§ 532. Density, height, parking, and other requirements. 1. (a) For any eligible project site that lies within an urban area as defined by the United States census bureau, municipalities shall not limit the density of such site to less than twenty dwelling units per acre.

(b) For any eligible project site that lies outside an urban area as defined by the United States census bureau, municipalities shall not limit the density of such site to less than fifteen dwelling units per acre.

(c) For any eligible project site, the maximum density of a proposed development shall be either: (i) the greatest density allowed on or after January first, two thousand twenty-six for a residential or mixed-use development located within the municipality's jurisdiction within one mile of the proposed development; or (ii) the minimum density required under this subdivision, whichever is greater.

2. (a) Any eligible project site located within a city with one million or more inhabitants shall be allowed up to a height of ten feet above the maximum height otherwise applicable to such site on or after January first, two thousand twenty-six; provided, however, that if such site is located within eight hundred feet of a zoning district that permits a height or density for residential use greater than what is otherwise provided for in this paragraph, then the city shall allow the eligible project site up to the maximum height permitted in such zoning district.

(b) Any eligible project site located within a village, town, or city with fewer than one million inhabitants shall be allowed up to a height equivalent to the maximum height otherwise applicable to such site anywhere within the municipality on or after January first, two thousand twenty-six.

3. No municipality or county shall adopt or enforce an ordinance, order, zoning restriction, or other regulation that provides or requires more than one parking space per dwelling unit for eligible projects.

4. For an eligible project site that lies within an urban area as defined by the United States census bureau:

(a) (i) The municipality shall review and approve eligible project applications:

(A) within sixty days for such projects with fewer than one hundred fifty units.

(B) within ninety days for such projects with one hundred fifty or more units.

(ii) If the municipality fails to meet the deadlines established under this paragraph, the eligible project shall be automatically deemed approved.

(b) The municipality shall provide public access to a standardized process for ministerial review, including but not limited to clearly defined timelines and submission requirements.

(c) If a municipality rejects an application relating to an eligible project, such municipality shall provide a letter identifying the specific eligibility standards and/or zoning requirements that the proposal is not compliant with.

(d) A municipality may conduct non-binding design review hearings for eligible projects; provided that such hearings shall not extend the review timelines specified in this subdivision.

§ 4. Severability. If any clause, sentence, paragraph, subdivision, section or part of this act shall be adjudged by any court of competent

jurisdiction to be invalid, such judgment shall not affect, impair, or invalidate the remainder thereof, but shall be confined in its operation to the clause, sentence, paragraph, subdivision, section or part thereof directly involved in the controversy in which such judgment shall have been rendered. It is hereby declared to be the intent of the legislature that this act would have been enacted even if such invalid provisions had not been included herein.

§ 5. This act shall take effect immediately.