STATE OF NEW YORK

3855

2025-2026 Regular Sessions

IN ASSEMBLY

January 30, 2025

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

CONCURRENT RESOLUTION OF THE SENATE AND ASSEMBLY

proposing an amendment to article 9 of the constitution, in relation to the formation of new towns

Section 1. Resolved (if the Senate concur), That article 9 of the constitution be amended by adding a new section 4 to read as follows:

§ 4. Owners of parcels of land that are adjacent to each other or only separated by a road, highway, railroad, body of water, and/or a watercourse within a single county may separate from any city or cities and/or town or towns whose jurisdiction the land is currently under, and incorporate a new town. First, the owners must draw up a map and prepare a charter of the proposed town and have one-fifth of the owners of land in the proposed new town sign a petition agreeing to the map and charter. The proposed town must have at least two thousand people residing in it. The charter they draft shall describe how any special district or districts will be affected and when the charter will take effect and when the special election to fill offices created for the first time under the charter will be held. Second, the map, charter and petition must be filed with the county board of elections where the proposed town will exist before September first of any year. The county board of elections shall then schedule a vote on the proposed town on the next election day in November. Only voters who reside within the proposed town may vote on creating it. If a majority of those voting approve it the new town will be created and will cease to be part of the municipality or municipalities it separates from thirty days after the new town's officials take office. The new town and the municipality or municipalities it separates from should negotiate fair prices for water, sewer or other services that must continue to be shared. If an agreement cannot be reached either may petition the appellate division of the supreme court to set the prices for up to four years at a time. Should anyone go to court to block the creation of the new town and not prevail

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

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they shall pay the reasonable legal fees and court costs of those trying to create the new town.

§ 2. Resolved (if the Senate concur), That the foregoing amendment be referred to the first regular legislative session convening after the next succeeding general election of members of the assembly, and, in conformity with section 1 of article 19 of the constitution, be published for 3 months previous to the time of such election.