

STATE OF NEW YORK

5137

2025-2026 Regular Sessions

IN ASSEMBLY

February 12, 2025

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

AN ACT to amend the general city law, the town law and the village law, in relation to transit-oriented development

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

1 Section 1. Short title. This act shall be known and may be cited as
2 the "Transit-Oriented Development act of 2025".

3 § 2. The general city law is amended by adding a new section 20-h to
4 read as follows:

5 § 20-h. Transit-oriented development. 1. (a) Notwithstanding the
6 provisions of any general, special, charter, local, or other law,
7 including the common law, to the contrary, all cities shall permit the
8 construction and occupation of dwelling units with a density of at least
9 twenty-five dwelling units per acre, on any land wherein residential
10 construction and occupation is otherwise permitted if such land is with-
11 in one-half mile of any covered transportation facility.

12 (b) For the purposes of this subdivision, a "covered transportation
13 center" shall be defined as:

14 (i) any rail station owned, operated or otherwise served by the New
15 Jersey transit corporation, or the metropolitan transportation author-
16 ity and its affiliated or subsidiary authorities, including, but not
17 limited to, the Metro-North railroad and the port authority of New
18 York and New Jersey, but not including the Long Island Rail Road, where
19 such station is not operated on a seasonal basis and such station is
20 located between one-half mile and sixty miles from the nearest border
21 of a city with a population of greater than one million people, as meas-
22 ured on a straight line from such city's nearest border to such rail
23 station; or

24 (ii) any bus stop or station with designated parking for riders
25 located between one-half mile and sixty miles from the nearest

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

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border of a city with a population greater than one million people as measured on a straight line from such city's nearest border to such bus stop or station; or

(iii) any rail station owned, operated or otherwise served by the Long Island Rail Road that is not located within a city with a population greater than one million people.

2. No city shall impose restrictions that effectively prevent the construction or occupation of such dwellings, including, but not limited to height, setbacks, floor area ratios, or parking. Nothing in this section shall be interpreted to override the New York State Environmental Quality Review Act or the New York State Uniform Fire Prevention and Building Code Act, or regulations promulgated in accordance with any such act, nor require the alteration or demolition of buildings designated as historical sites as of the effective date of this section pursuant to the New York State Historic Preservation Act of 1980, as amended, or the National Historic Preservation Act of 1966, as amended.

3. A city's written or other comprehensive plan, zoning regulations, special use permit regulations, subdivision regulations, site plan review regulations, or any planning, zoning, or other land use tools enacted under this title, the municipal home rule law, or any general, special or other law, as applicable, shall conform to the requirements set forth in this section.

4. (a) Upon a failure of a local government to act upon an application to construct or occupy residences in accordance with this section, or denial of such application in violation of this section, any party aggrieved by any such failure or denial may commence a special proceeding against the subject local government and the officer pursuant to article seventy-eight of the civil practice law and rules, in the supreme court within the judicial district in which the local government or the greater portion of the territory is located, to compel compliance with the provisions of this section.

(b) If, upon commencement of such proceeding, it shall appear to the court that testimony is necessary for the proper disposition of the matter, the court may take evidence and determine the matter. Alternatively, the court may appoint a hearing officer pursuant to article forty-three of the civil practice law and rules to take such evidence as it may direct and report the same to the court with the hearing officer's findings of fact and conclusions of law, which shall constitute a part of the proceedings upon which the determination of the court shall be made. The court may reverse or affirm, wholly or partly, or may modify any decision brought to the court for review.

(c) Costs shall not be allowed against the local government and the officer whose failure or refusal gave rise to the special proceeding, unless it shall appear to the court that the local government and its officer acted with gross negligence or in bad faith or with malice.

§ 3. The town law is amended by adding a new section 261-d to read as follows:

§ 261-d. Transit-oriented development. 1. (a) Notwithstanding the provisions of any general, special, charter, local, or other law, including the common law, to the contrary, all towns shall permit the construction and occupation of dwelling units with a density of twenty-five dwelling units per acre or more, on any land wherein residential construction and occupation is otherwise permitted if such land is within one-half mile of any covered transportation facility.

(b) For the purposes of this subdivision, a "covered transportation center" shall be defined as:

1 (i) any rail station owned, operated or otherwise served by the New
2 Jersey transit corporation, or the metropolitan transportation author-
3 ity and its affiliated or subsidiary authorities, including, but not
4 limited to, the Metro-North railroad and the port authority of New
5 York and New Jersey, but not including the Long Island Rail Road, where
6 such station is not operated on a seasonal basis and such station is
7 located between one-half mile and sixty miles from the nearest border
8 of a city with a population of greater than one million people, as meas-
9 ured on a straight line from such city's nearest border to such rail
10 station; or

11 (ii) any bus stop or station with designated parking for riders
12 located between one-half mile and sixty miles from the nearest
13 border of a city with a population greater than one million people as
14 measured on a straight line from such city's nearest border to such bus
15 stop or station; or

16 (iii) any rail station owned, operated or otherwise served by the Long
17 Island Rail Road that is not located within a city with a population
18 greater than one million people.

19 2. No town shall impose restrictions that effectively prevent the
20 construction or occupation of such dwellings, including, but not limited
21 to height, setbacks, floor area ratios, or parking. Nothing in this
22 section shall be interpreted to override the New York State Environ-
23 mental Quality Review Act or the New York State Uniform Fire Prevention
24 and Building Code Act, or regulations promulgated in accordance with any
25 such act, nor require the alteration or demolition of buildings desig-
26 nated as historical sites as of the effective date of this section
27 pursuant to the New York State Historic Preservation Act of 1980, as
28 amended, or the National Historic Preservation Act of 1966, as amended.

29 3. A town's written comprehensive plan, zoning regulations, special
30 use permit regulations, subdivision regulations, site plan review regu-
31 lations, or any planning, zoning, or other land use tools enacted under
32 this title, the municipal home rule law, or any general, special or
33 other law, as applicable, shall conform to the requirements set forth in
34 this section.

35 4. (a) Upon a failure of a local government to act upon an application
36 to construct or occupy residences in accordance with this section, or
37 denial of such application in violation of this section, any party
38 aggrieved by any such failure or denial may commence a special proceed-
39 ing against the subject local government and the officer pursuant to
40 article seventy-eight of the civil practice law and rules, in the
41 supreme court within the judicial district in which the local government
42 or the greater portion of the territory is located, to compel compliance
43 with the provisions of this section.

44 (b) If, upon commencement of such proceeding, it shall appear to the
45 court that testimony is necessary for the proper disposition of the
46 matter, the court may take evidence and determine the matter. Alterna-
47 tively, the court may appoint a hearing officer pursuant to article
48 forty-three of the civil practice law and rules to take such evidence as
49 it may direct and report the same to the court with the hearing offi-
50 cer's findings of fact and conclusions of law, which shall constitute a
51 part of the proceedings upon which the determination of the court shall
52 be made. The court may reverse or affirm, wholly or partly, or may
53 modify any decision brought to the court for review.

54 (c) Costs shall not be allowed against the local government and the
55 officer whose failure or refusal gave rise to the special proceeding.

1 unless it shall appear to the court that the local government and its
2 officer acted with gross negligence or in bad faith or with malice.

3 § 4. The village law is amended by adding a new section 7-700-a to
4 read as follows:

5 § 7-700-a Transit-oriented development. 1. (a) Notwithstanding the
6 provisions of any general, special, charter, local, or other law,
7 including the common law, to the contrary, all villages shall permit the
8 construction and occupation of dwelling units with a density of at least
9 twenty-five dwelling units per acre, on any land wherein residential
10 construction and occupation is otherwise permitted if such land is with-
11 in one-half mile of any covered transportation facility.

12 (b) For the purposes of this subdivision, a "covered transportation
13 center" shall be defined as:

14 (i) any rail station owned, operated or otherwise served by the New
15 Jersey transit corporation, or the metropolitan transportation author-
16 ity and its affiliated or subsidiary authorities, including, but not
17 limited to, the Metro-North railroad and the port authority of New
18 York and New Jersey, but not including the Long Island Rail Road, where
19 such station is not operated on a seasonal basis and such station is
20 located between one-half mile and sixty miles from the nearest border
21 of a city with a population of greater than one million people, as
22 measured on a straight line from such city's nearest border to such
23 rail station; or

24 (ii) any bus stop or station with designated parking for riders
25 located between one-half mile and sixty miles from the nearest
26 border of a city with a population greater than one million people as
27 measured on a straight line from such city's nearest border to such bus
28 stop or station; or

29 (iii) any rail station owned, operated or otherwise served by the Long
30 Island Rail Road that is not located within a city with a population
31 greater than one million people.

32 2. No village shall impose restrictions that effectively prevent the
33 construction or occupation of such dwellings, including, but not limited
34 to height, setbacks, floor area ratios, or parking. Nothing in this
35 section shall be interpreted to override the New York State Environ-
36 mental Quality Review Act or the New York State Uniform Fire Prevention
37 and Building Code Act, or regulations promulgated in accordance with any
38 such act, nor require the alteration or demolition of buildings design-
39 ated as historical sites as of the effective date of this section
40 pursuant to the New York State Historic Preservation Act of 1980, as
41 amended, or the National Historic Preservation Act of 1966, as amended.

42 3. A village's written or other comprehensive plan, zoning regu-
43 lations, special use permit regulations, subdivision regulations, site
44 plan review regulations, or any other planning, zoning, or other land
45 use tools enacted under this article, the municipal home rule law, or
46 any general, special or other law, as applicable, shall conform to the
47 requirements set forth in this section.

48 4. (a) Upon a failure of a local government to act upon an application
49 to construct or occupy residences in accordance with this section, or
50 denial of such application in violation of this section, any party
51 aggrieved by any such failure or denial may commence a special proceed-
52 ing against the subject local government and the officer pursuant to
53 article seventy-eight of the civil practice law and rules, in the
54 supreme court within the judicial district in which the local government
55 or the greater portion of the territory is located, to compel compliance
56 with the provisions of this section.

1 (b) If, upon commencement of such proceeding, it shall appear to the
2 court that testimony is necessary for the proper disposition of the
3 matter, the court may take evidence and determine the matter. Alterna-
4 tively, the court may appoint a hearing officer pursuant to article
5 forty-three of the civil practice law and rules to take such evidence as
6 it may direct and report the same to the court with the hearing offi-
7 cer's findings of fact and conclusions of law, which shall constitute a
8 part of the proceedings upon which the determination of the court shall
9 be made. The court may reverse or affirm, wholly or partly, or may
10 modify any decision brought to the court for review.

11 (c) Costs shall not be allowed against the local government and the
12 officer whose failure or refusal gave rise to the special proceeding,
13 unless it shall appear to the court that the local government and its
14 officer acted with gross negligence or in bad faith or with malice.

15 § 5. This act shall take effect one year after the date upon which it
16 shall have become a law.