



General Assembly

February Session, 2006

Amendment

LCO No. 4191

SB0004204191SR0

Offered by:
SEN. HERLIHY, 8th Dist.

To: Subst. Senate Bill No. 42

File No. 228

Cal. No. 202

"AN ACT PROMOTING TRANSIT ORIENTED DEVELOPMENT."

1 After the last section, add the following and renumber sections and
2 internal references accordingly:

3 "Sec. 501. (NEW) (*Effective October 1, 2006, and applicable to assessment*
4 *years commencing on or after October 1, 2006*) (a) As used in this section:

5 (1) "Municipality" means any city, town, borough, district or
6 association with municipal powers; and

7 (2) "Open space land" means any area of land, including forest land,
8 the preservation or restriction of the use of which would (A) maintain
9 and enhance the conservation of natural or scenic resources, (B) protect
10 natural streams or water supply, (C) promote conservation of soils,
11 wetlands, beaches or tidal marshes, (D) enhance the value to the public
12 of abutting or neighboring parks, forests, wildlife preserves, nature
13 reservations or sanctuaries or other open spaces, (E) enhance public
14 recreation opportunities, (F) preserve historic sites, or (G) promote
15 orderly urban or suburban development.

16 (b) Any municipality may, by ordinance adopted by its legislative
17 body, establish a program under which property taxes may be abated
18 in exchange for the transfer to the municipality of development rights,
19 conservation easements, rights-of-way or any combination thereof, to
20 open space land. Such ordinance shall include, but not be limited to,
21 provisions for requirements for application for the abatement, which
22 shall include a certified appraisal of the property proposed for
23 abatement both with and without development rights.

24 (c) The abatement may not exceed the market value of the open
25 space land, may be transferable to any other taxable property in the
26 municipality owned by the applicant and may exist for a period of
27 time to be determined by the legislative body of the municipality."