



Legal Framework – State’s Role

State’s Role - Economic Development

Overview

On the State level, four key entities have been established to aid economic development within the State: The Department of Economic Development (DED), the Job Development Authority (JDA), the Urban Development Corporation (UDC), and the Foundation for Science, Technology and Innovation (NYSTAR). UDC, DED, and JDA have been operationally merged and referred to as Empire State Development (ESD). The Commissioner of DED chairs the boards of directors of UDC and JDA. The agencies provide various financing, training and technical assistance programs to promote business development.

Statutory Authority

The New York State Urban Development Corporation, which operates as the Empire State Development Corporation, engages in various types of economic development activities. It has broad authority to promote economic development including the authority to finance projects by issuing bonds, to condemn land and seize property by eminent domain, to grant tax abatements and to overrule local zoning laws. It is also authorized to create subsidiary corporations to oversee and perform specific economic development activities, and to provide grants and loans for economic development purposes. [Unconsolidated Laws title 16, chapter 24]

The commissioner of the Department of Economic Development is authorized to cooperate with local agencies to encourage the development of new and existing business, to advise and cooperate with municipal, county, regional and other local agencies for the purpose of promoting coordination between the state and localities as to economic development, and to act as the agent of the state and political subdivisions to approve applicants for financial assistance from a federal agency for industrial development purposes. [Economic Development Law, § 100] The empire zones designation board must designate empire zones from recommendations made by the commissioner of economic development and approves boundary amendments and certain regionally significant projects. [General Municipal Law § 960]

The New York Job Development Authority is authorized to finance business development projects by issuing bonds, to encourage the organization of local development corporations and to cooperate with the corporations to form plans for improving employment opportunities; and may acquire from a municipality real and personal property and make payments in lieu of taxes to a municipality or taxing district for real property owned by the authority. [Public Authorities Law §§ 1803, 1804]

Opinions of the Comptroller and Attorney General

Attorney General Opinion No. 97-F12 NY Const. Art. VII, § 7, Art. XVIII; NY Unconsolidated Laws §§ 6253(6)(a) and (6)(c), 6254(1), 6255(25) and (28); 24 CFR §§ 570.1, et seq., 570.3, 570.208, 570.420(a), (b), et seq., 570.480(c), 570.481(a); 42 USC §§ 5301(c), 5302(a)(2), (a)(4), (a)(6)(A) and (a)(7), 5306(d)(3)(A). Without legislative authorization, the Governor may designate the Urban Development Corporation, doing business as the Empire State Development Corporation, to administer the Small Cities component of the federal Community Development Block Grant Program.

State's Role: Parks and Recreation

See generally, Statute of Local Governments, § 10(3); Municipal Home Rule Law, § 10(1)(ii)(a)(14)

Constitutional & Statutory Authority

The Legislature may provide recreational facilities incidental to low rent housing and nursing homes for persons of low income and in substandard and unsanitary areas. [Constitution article 18, § 1]

The commissioner of the office of parks, recreation and historic preservation must cooperate in the planning , organization, development and operation of municipal and private park, recreational and historic preservation projects; encourage cooperative recreational projects, and encourage recreational opportunities for residents of urban, suburban and rural areas. [Parks, Recreation and Historic Preservation Law §§ 3.09(4), 3.09(6) and 3.09(10)]

The Legislature may designate and the local governments manage urban cultural parks. [Parks, Recreation and Historic Preservation Law articles 31 and 35]

The commissioner of the department of environmental conservation may enter into contracts with municipalities for municipal park projects and urban cultural parks projects. [Environmental Conservation Law article 54, title 9]

An advisory council to the recreation program for the elderly is created in the state office for the aging to advise the director on regulations with respect to recreation programs for adults sixty years of age and over. [Elder Law § 216]

Any county, city, town or village with a total population of twenty thousand or more persons desiring to establish a recreation, youth service or other project may apply to the office of children and family services for approval of its plans and entitle it to state aid. Two or more municipalities may join together to establish, operate and maintain youth programs. [Executive Law article 19-A]