To: New York State Climate Action Council

From: Community Preservation Advisory Board, Town of New Paltz

Re: COMMENT on CLCPA Scoping Document

 Chapter 19.2, Land Use Key Strategies

 Statewide Authorization of the Community Preservation Act

Date: 6/7/2022

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The Climate Leadership and Community Protection Act (CLCPA) draft scoping document recommends establishing programs to support local land acquisition and specifically refers to statewide authorization of the *Community Preservation Act*, which is currently limited to certain communities in the Hudson Valley. The purpose of the Act is to enable communities to plan for and support conservation activities, funded by a local real estate transfer tax. Such programs can help mitigate carbon emissions by protecting forest lands and to avoid agricultural and forested land conversion. Without such funds communities are not able to pursue meaningful conservation and many critical wetlands, forests, and farmlands face the threat of development or conversion.

In 2020, under the Hudson Valley Community Preservation Act, the Town of New Paltz created a Community Preservation Fund and established a local real estate transfer tax to generate revenue that could be used for protection of farmland, forests, recreational open space, habitat, and clean water. The creation of the fund and the tax was the subject of a local referendum, which passed with 72% support by New Paltz voters. It is worth noting that the New York Association of Realtors mounted expensive opposition to this local initiative and they have publicly promised to “squash” any similar program anywhere in New York State.

Our community is now using a science-based approach to evaluating which lands in our town support the most significant natural resources and provide nature-based resilience in the face of climate change. Our local real estate transfer tax provides funding that would not otherwise be available for conservation. We will collaborate with willing landowners and our land trust partners to protect vitally important resources.

Statewide authorization would make it possible for more communities across the state to develop similar programs and would make it possible to protect resources that build resilience and help sequester carbon naturally. Without statewide authorization it is unlikely that many communities will pursue creating Community Preservation Funds. The State of Massachusetts has statewide authorization of Community Preservation Funds for two decades and now boasts 189 participating communities. It should be noted that the enabling legislation in Massachusetts has provisions for affordable housing as well as natural resource protection and we would recommend that such provisions be included in statewide legislation in New York.

We support the recommendations in the CLCPA regarding enhanced local planning and protection of lands. Specifically, we urge that the Community Preservation Act be authorized statewide, to better enable communities to protect their natural resources that can help mitigate climate change and improve the quality of life for New Yorkers.

Beyond statewide authorization, a broad education campaign will be necessary to inspire municipalities to pursue establishing CPF programs, and grant programs should be established to support the development of prerequisite Community Preservation Plans. In addition, guidance should be developed for best practices to implement CPF programs once established. The Hudson River Estuary Program is currently providing some assistance with development of Community Preservation Plans, but if authorization is expanded statewide additional state-level staff support will be needed.

The real estate lobby will likely remain a formidable obstacle to wider adoption of CPF in New York State given their opposition to real estate transfer taxes. Policy makers should consider options to educate realtors about the benefits of CPF and to dispel misinformation. In addition, incentives for establishment of CPF programs (such as matching funds, used in Massachusetts), could help to increase local participation.

Cara Lee, Chair, on behalf of

The New Paltz Community Preservation Fund Advisory Board