Joining the Hudson Valley Community Preservation Act

What is the Hudson Valley Community Preservation Act (CPA) of 2007?

The Hudson Valley Community Preservation Act (CPA) enables designated communities to establish Community Preservation Funds (CPF) to protect open space, farmland, historic resources, and community character. These funds are supported by a locally determined real estate transfer tax of up to 2%, often structured to apply only to higher-value property sales.

Ulster County successfully joined the Act in 2019 through a Home Rule request, demonstrating a clear pathway for other counties to follow.

How does it work?

Create a Community Preservation Project Plan

- Identify how community character will be preserved.
- Analyze land use alternatives.
- List and prioritize parcels necessary to achieve goals.

Hold a Public Hearing

- Hold a public hearing on the Community Preservation Project Plan (CPPP) and proposed local law.

Hold a Referendum

- Community voters must approve the enactment of a local law establishing the real estate transfer tax.

If Approved:

- County Clerk collects the tax and remits funds to the town monthly.
- Funds are dedicated solely to implementing the CPPP.

Key points:

No Cost to the County
Funded entirely through real estate transfer tax.

Local Control
Municipalities decide through referendum.

Proven Benefits
Preserved open spaces, stable property values, attractive community character.

How Can Sullivan County Participate?

- Sullivan County Legislature passed a Home Rule Resolution to amend the 2007 Act.
- Senator Peter Oberacker and Assemblywoman Paula Elaine Kay advanced the bill through the State Legislature.

What Happens Next?

- The Governor must sign the bill. If signed:
- Towns and villages can choose to create a Community Preservation Plan.
- Local voters decide by referendum whether to establish a Community Preservation Fund.
- If approved, a real estate transfer fee can support farmland and open space preservation.

Success Stories

Communities that have successfully implemented CPFs include:

- Five East End Towns, Long Island:
- Town of Warwick, Orange County:
- Town of Red Hook, Dutchess County
- Towns of New Paltz, Gardiner
- Marbletown, Ulster County

These communities have enhanced preservation efforts, maintained desirable home values, and balanced growth with conservation.

New Paltz

Gardiner

Warwick

Marbletown

Why should Sullivan County Act?

- Protect Farmland and Water Resources
- Strengthen Community Identity
- Balance Development with Preservation
- Enhance Quality of Life for Future Generations

Orange County LAND TRUST

Cornell Cooperative Extension Sullivan County

Sullivan County Agriculture & Farmland Protection Board

www.sullivancce.org/agriculture/farmland-preservation-projects

Hudson Valley Community Preservation Act Next Steps for Municipalities:

- Once Sullivan County is authorized under the HVCPA, any town within Sullivan County may begin the process of enacting a real estate transfer tax for land preservation purposes, as outlined in the Act.
- Including Sullivan County in the Act does not require any town to enact this tax. It simply gives towns the option to do so if it is approved by local voters.
- No elected official- State, County or local- is imposing this tax, **only the voters can approve it**.
- A Town **cannot** enact the tax without first creating a **Community Preservation Plan** which spells out its goals for the tax, presents this plan in a public hearing. Eligible properties for inclusion in the CPP include:
    - **Viable agricultural lands**
    - Preservation of aquifer recharge areas
    - Establishment of parks, nature preserves or recreational areas
    - Preservation of open space
    - Preservation of lands of exceptional scenic value
    - Preservation of fresh or saltwater marshes or other wetlands
    - Preservation of undeveloped beachlands or shorelines
    - Establishment of wildlife refuges
    - Preservation of rivers in a natural state
    - Preservation of public access to lands for public use
    - Historic properties on the NYS Registry of Historic Places
- After adopting the Community Preservation plan, the Town Board sets a referendum of the voters of the Town who must approve the enactment of the tax.
- The tax, if enacted, **applies only to the amount of the sale** of land in the Town over the **median sale price of a home in Sullivan County**.
- **The tax is paid by the Buyer.**