

GOVERNMENT LAW CENTER OF ALBANY LAW SCHOOL
GOVERNMENT LAW ONLINE

**QUALITY COMMUNITIES REQUIRE
SUSTAINED LEADERSHIP
AND BENCHMARKING**

SEPTEMBER 2001



Government Law Center
Albany Law School

80 New Scotland Avenue
Albany, NY 12208
www.als.edu

GOVERNMENT LAW ONLINE publications are available at www.governmentlaw.org

Reprinted from the Empire State Report, at 8 (September 2001)

QUALITY COMMUNITIES REQUIRE SUSTAINED LEADERSHIP AND BENCHMARKING

**Patricia E. Salkin, Esq.
Associate Dean and Director**

SEPTEMBER 2001

These materials are copyright by Albany Law School (ALS) on behalf of its Government Law Center or ALS licensors and may not be reproduced in whole or in part in or on any media or used for any purpose without the express, prior written permission of Albany Law School or the licensor. Neither Albany Law School, the Government Law Center or any licensor is engaged in providing legal advice by making these materials available and the materials should, therefore, not be taken as providing legal advice.

All readers or users of these materials are further advised that the statutes, regulations and case law discussed or referred to in these materials are subject to and can change at any time and that these materials may not, in any event, be applicable to a specific situation under consideration. The information provided in these materials is for informational purposes only and is not intended to be, nor should it be considered to be, a substitute for legal advice rendered by a competent licensed attorney or other qualified professional. If you have any questions regarding the application of any information provided in these materials to a particular situation, you should consult a qualified attorney or seek advice from the government entity or agency responsible for administering the law applicable to the particular situation in question.

Quality Communities Require Sustained Leadership and Benchmarking

Patricia E. Salkin



The release of the January 2001 report of the Quality Communities Interagency Task Force is simply the starting point for a much needed strategic implementation of a renewed State-local partnership. Lead by Lt. Governor Mary Donohue, the Task Force undertook the challenges set forth in Governor Pataki's Executive Order to recommend the tools and support necessary for local governments to create quality communities. A comprehensive report with forty-one recommendations formally begins the process of negotiation on and implementation of a number of key programs and initiatives. Without sustained leadership, however, this report runs the risk of being "shelved"...a risk New York cannot afford.

Gubernatorial executive orders to spur smart growth have been popular during the last decade. Just this year, task forces were created in Indiana and Kentucky, following on the heels of executive orders in Florida, Illinois, Maryland, North Carolina, Oregon, Pennsylvania and Wisconsin. Typically, the leadership for these efforts is found either in the executive branch or in the legislative branch. However, to produce meaningful reform, leadership must result from a partnership between the executive and legislative branches. The challenges of state legislative, regulatory and programmatic reform orchestrated to harmonize with the needs and opportunities of local communities demand bi-partisan attention and support.

While the 2001 Task Force Report contains many recommendations that are easily implemented by the executive branch, a number require the legislature to send proposed new laws to the Governor for his signature. In addition to the many initiatives proposed by the Task Force, various smart growth proposals like compact planning legislation

have been circulating in the Legislature for a number of years. Some proposals consider statewide challenges and others focus on regional issues and concerns. They are all important pieces in the quality communities puzzle, and leadership is critical to glue the pieces in place. A demonstration that New York is on the right was apparent during the recent 3rd Annual Smart Growth Conference where the Lt. Governor Donohue shared the podium with Senator Rath and Assembly Members DiNapoli and Hoyt who have been the legislative leaders for smart growth.

New York has a strong historical record of piecemeal approaches to quality-communities-type initiatives. There are dozens of laws and programs that, when put together, arguably demonstrate the State's commitment to smart growth. New York must do a better job, however, of integrating these programs and laws so that they work more effectively together as a package of incentives and tools for local governments. New York has been a leader among the states in adopting meaningful statutory land use reform including the Long Island Pine Barrens compact and other open space initiatives. The New York State Office for Technology's GIS Data Cooperative is more advanced than most sister states, a remarkable benefit and opportunity for accessing and understanding critical data to make more informed quality communities decisions.

Placing the Lt. Governor in the leadership role to coordinate all of these state agency programs and initiatives has proven to be very far-sighted and a designation that other states should learn from. The selection of the Lt. Governor is a strong statement from the chief executive that this initiative is a statewide priority and one that each of the executive agencies must participate in.

The State interagency task force that

grows out of the recommendations needs to focus on integration and potential refinements to make these efforts even better. Consideration of the designation of a state office for planning and coordination to serve the long-term function of this integration would be a welcome addition. This office would, among other things, be responsible to ensuring on-going agency participation. One of the Quality Communities Task Force recommendations calls for the adoption of statewide quality communities principles. This is crucial in letting the stakeholders know what it is that the State must focus on. In March of this year, Governor Ruth Ann Minner of Delaware signed an executive order requiring all of her executive agencies to submit an implementation plan of the "Livable Delaware" goals by August 31, 2001. This step further implements the work of the Delaware Cabinet Committee.

Since the early 1990s more than half of the states have proposed and adopted smart growth reform programs. What is missing, however, is a method of evaluating the successes and shortcomings of the component pieces of the various initiatives. New York again has an opportunity to lead the way with the development of a benchmarking index to report on the use and results of the tools and programs that exist today, and the ones that may still be adopted as part of a quality communities program based upon Task Force recommendations and other legislative initiatives.

New York is off to a good start, but the real work lies ahead in terms of meaningful reform.

Patricia E. Salkin is Associate Dean and Director of the GOVERNMENT LAW CENTER OF ALBANY LAW SCHOOL. She has written and lectured extensively on the subject of smart growth.