

5768--A

2015-2016 Regular Sessions

I N   S E N A T E

June 2, 2015

---

Introduced by Sen. MARTINS -- read twice and ordered printed, and when printed to be committed to the Committee on Labor -- recommitted to the Committee on Labor in accordance with Senate Rule 6, sec. 8 -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

AN ACT to amend the labor law, in relation to applying the prevailing wage laws to certain projects on privately owned property; and to amend the real property tax law, in relation to extending certain exemptions for new multiple dwellings

THE PEOPLE OF THE STATE OF NEW YORK, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

1     Section 1. Section 220 of the labor law is amended by adding a new  
2     subdivision 10 to read as follows:  
3     10. NOTWITHSTANDING ANY LAW TO THE CONTRARY, ANY PROJECT ON PRIVATELY  
4     OWNED PROPERTY WHICH, IN WHOLE OR PART, (A) RECEIVES OR BENEFITS FROM AN  
5     EXEMPTION FROM REAL PROPERTY TAXATION PURSUANT TO SECTION FOUR HUNDRED  
6     TWENTY-ONE-A OF THE REAL PROPERTY TAX LAW, (B) INVOLVES MORE THAN FIFTY  
7     DWELLING UNITS WHERE LESS THAN FIFTY PERCENT OF THE UNITS ARE SUBJECT TO  
8     AN AGREEMENT WITH A MUNICIPALITY, THE STATE, THE FEDERAL GOVERNMENT OR  
9     ANY INSTRUMENTALITY THEREOF WHICH RESTRICTS THE OCCUPANCY OF SUCH UNITS  
10    TO INDIVIDUALS OR FAMILIES, AS TENANTS OR PURCHASERS, WITH A GROSS  
11    HOUSEHOLD INCOME AT OR BELOW ONE HUNDRED TWENTY-FIVE PERCENT OF THE AREA  
12    MEDIAN INCOME, AND (C) MAY INVOLVE THE EMPLOYMENT OF LABORERS, WORKERS  
13    OR MECHANICS, SHALL BE CONSIDERED PUBLIC WORK FOR THE PURPOSES OF THIS  
14    ARTICLE, AND ANY CONTRACTS OR SUBCONTRACTS WHICH MAY INVOLVE THE EMPLOY-  
15    MENT OF LABORERS, WORKERS OR MECHANICS SHALL BE ENFORCEABLE UNDER THIS  
16    ARTICLE. FOR PURPOSES OF THIS SECTION, "PRIVATELY OWNED PROPERTY" SHALL  
17    MEAN PROPERTY HELD PURSUANT TO OWNERSHIP OR LEASEHOLD INTEREST BY A  
18    NON-GOVERNMENTAL ENTITY.  
19    S 2. The opening paragraph of clause (A) of subparagraph (iv) of para-  
20    graph (a) of subdivision 2 of section 421-a of the real property tax

EXPLANATION--Matter in ITALICS (underscored) is new; matter in brackets  
[ ] is old law to be omitted.

LBD11392-02-6

1 law, as amended by section 63-a of part A of chapter 20 of the laws of  
2 2015, is amended to read as follows:

3 Unless excluded by local law, in the city of New York, the benefits of  
4 this subparagraph shall be available in the borough of Manhattan for new  
5 multiple dwellings on tax lots now existing or hereafter created south  
6 of or adjacent to either side of one hundred tenth street that commence  
7 construction after July first, nineteen hundred ninety-two and on or  
8 before December thirty-first, two thousand [fifteen] EIGHTEEN provided,  
9 however, that such a multiple dwelling receives its first temporary or  
10 permanent certificate of occupancy covering all residential areas on or  
11 before December thirty-first, two thousand [nineteen] TWENTY, and solely  
12 for purposes of determining whether this clause applies and notwith-  
13 standing any local law to the contrary, "commence" shall mean the date  
14 upon which excavation and construction of initial footings and founda-  
15 tions lawfully begins in good faith or, for an eligible conversion, the  
16 date upon which the actual construction of the conversion, alteration or  
17 improvement of the pre-existing building or structure lawfully begins in  
18 good faith, only if:

19 S 3. Subparagraph (ii) of paragraph (c) of subdivision 2 of section  
20 421-a of the real property tax law, as amended by section 63-b of part A  
21 of chapter 20 of the laws of 2015, is amended to read as follows:

22 (ii) construction is commenced after January first, nineteen hundred  
23 seventy-five and on or before December thirty-first, two thousand  
24 [fifteen] EIGHTEEN provided, however, that (A) such a multiple dwelling  
25 receives its first temporary or permanent certificate of occupancy  
26 covering all residential areas on or before December thirty-first, two  
27 thousand [nineteen] TWENTY, (B) solely for purposes of determining  
28 whether this subparagraph applies and notwithstanding any local law to  
29 the contrary, "commence" shall mean the date upon which excavation and  
30 construction of initial footings and foundations lawfully begins in good  
31 faith or, for an eligible conversion, the date upon which the actual  
32 construction of the conversion, alteration or improvement of the pre-ex-  
33 isting building or structure lawfully begins in good faith, and (C) such  
34 commencement period shall not apply to multiple dwellings eligible for  
35 benefits under subparagraph (iv) of paragraph (a) of this subdivision;

36 S 4. This act shall take effect immediately.