

STATE OF NEW YORK

7295

2021-2022 Regular Sessions

IN ASSEMBLY

May 4, 2021

Introduced by M. of A. THIELE -- read once and referred to the Committee on Local Governments

AN ACT to amend the general municipal law and the public authorities law, in relation to certain notifications regarding agreements requiring payments in lieu of taxes

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

1 Section 1. Subdivision 15 of section 858 of the general municipal law,
2 as added by chapter 356 of the laws of 1993, is amended to read as
3 follows:
4 (15) To enter into agreements requiring payments in lieu of taxes.
5 Such agreements shall be in writing and in addition to other terms shall
6 contain: the amount due annually to each affected tax jurisdiction (or a
7 formula by which the amount due can be calculated), the name and address
8 of the person, office or agency to which payment shall be delivered, the
9 date on which payment shall be made, and the date on which payment shall
10 be considered delinquent if not paid. Unless otherwise agreed by the
11 affected tax jurisdictions, any such agreement shall provide that
12 payments in lieu of taxes shall be allocated among affected tax juris-
13 dictions in proportion to the amount of real property tax and other
14 taxes which would have been received by each affected tax jurisdiction
15 had the project not been tax exempt due to the status of the agency
16 involved in the project. A copy of any such agreement shall be delivered
17 to each affected tax jurisdiction within fifteen days of signing the
18 agreement. In the absence of any such written agreement, payments in
19 lieu of taxes made by an agency shall be allocated in the same
20 proportions as they had been prior to January first, nineteen hundred
21 ninety-three for so long as the agency's activities render a project
22 non-taxable by affected tax jurisdictions. A notification of the expira-
23 tion of such agreement shall be delivered to the affected tax jurisdic-

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

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1 tion within two years of the expiration of such agreement and immediate-
2 ly upon early termination of an agreement;

3 § 2. Subdivision 14 of section 1953 of the public authorities law, as
4 added by chapter 356 of the laws of 1993, is amended to read as follows:

5 14. To enter into agreements requiring payments in lieu of taxes. Such
6 agreements shall be in writing and in addition to other terms shall
7 contain: the amount due annually to each affected tax jurisdiction (or a
8 formula by which the amount due can be calculated), the name and address
9 of the person, office or agency to which payment shall be delivered, the
10 date on which payment shall be made, and the date on which payment shall
11 be considered delinquent if not paid. Unless otherwise agreed by the
12 affected tax jurisdictions, any such agreement shall provide that
13 payments in lieu of taxes shall be allocated among affected tax juris-
14 dictions in proportion to the amount of real property tax and other
15 taxes which would have been received by each affected tax jurisdiction
16 had the project not been tax exempt due to the status of the authority
17 involved in the project. A copy of any such agreement shall be delivered
18 to each affected tax jurisdiction within fifteen days of signing the
19 agreement. In the absence of any such written agreement, payments in
20 lieu of taxes made by an agency shall be allocated in the same
21 proportions as they had been prior to January first, nineteen hundred
22 ninety-three for so long as the authority's activities render a project
23 non-taxable by affected tax jurisdictions. A notification of the expi-
24 ration of such agreement shall be delivered to the affected tax juris-
25 isdiction within two years of the expiration of such agreement and imme-
26 diately upon early termination of an agreement;

27 § 3. Subdivision 14 of section 2306 of the public authorities law, as
28 added by chapter 356 of the laws of 1993, is amended to read as follows:

29 14. To enter into agreements requiring payments in lieu of taxes. Such
30 agreements shall be in writing and in addition to other terms shall
31 contain: the amount due annually to each affected tax jurisdiction (or a
32 formula by which the amount due can be calculated), the name and address
33 of the person, office or agency to which payment shall be delivered, the
34 date on which the payment shall be made, and the date on which payment
35 shall be considered delinquent if not paid. Unless otherwise agreed by
36 the affected tax jurisdictions, any such agreement shall provide that
37 payments in lieu of taxes shall be allocated among affected tax juris-
38 dictions in proportion to the amount of real property tax and other
39 taxes which would have been received by each affected tax jurisdiction
40 had the project not been tax exempt due to the status of the agency
41 involved in the project. A copy of any such agreement shall be delivered
42 to each tax affected jurisdiction within fifteen days of signing the
43 agreement. In the absence of any such written agreement, payments in
44 lieu of taxes shall be allocated in the same proportions as they had
45 been prior to January first, nineteen hundred ninety-three for so long
46 as the authority's activities render a project non-taxable by affected
47 tax jurisdictions. A notification of the expiration of such agreement
48 shall be delivered to the affected tax jurisdiction within two years of
49 the expiration of such agreement and immediately upon early termination
50 of an agreement;

51 § 4. This act shall take effect on the sixtieth day after it shall
52 have become a law.