

STATE OF NEW YORK

6858--A

2023-2024 Regular Sessions

IN ASSEMBLY

May 8, 2023

Introduced by M. of A. THIELE -- read once and referred to the Committee on Housing -- reference changed to the Committee on Local Governments -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

AN ACT to amend the general municipal law and the public authorities law, in relation to making housing a policy of the state of New York

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

1 Section 1. Section 852 of the general municipal law, as amended by
2 chapter 630 of the laws of 1977, the first undesignated paragraph as
3 amended by chapter 747 of the laws of 2005, the second undesignated
4 paragraph as amended by chapter 478 of the laws of 2011 and the third
5 undesignated paragraph as amended by section 4 of part X of chapter 59
6 of the laws of 2021, is amended to read as follows:

7 § 852. Policy and purposes of article. It is hereby declared to be the
8 policy of this state to promote the economic welfare, recreation oppor-
9 tunities and prosperity of its inhabitants and to actively promote,
10 attract, encourage and develop recreation, economically sound commerce
11 and industry and economically sound projects identified and called for
12 to implement a state heritage area management plan as provided in title
13 G of the parks, recreation and historic preservation law through govern-
14 mental action for the purpose of preventing unemployment and economic
15 deterioration by the creation of industrial development agencies which
16 are hereby declared to be governmental agencies and instrumentalities
17 and to grant to such industrial development agencies the rights and
18 powers provided in this article.

19 It is hereby further declared to be the policy of this state to
20 protect and promote the health of the inhabitants of this state by the
21 conservation, protection and improvement of the natural and cultural or
22 historic resources and environment and to control land, sewer, water,
23 air, noise or general environmental pollution derived from the operation

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

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1 of industrial, manufacturing, warehousing, commercial, recreation, horse
2 racing facilities, railroad facilities, automobile racing facilities and
3 research facilities and to grant such industrial development agencies
4 the rights and powers provided by this article with respect to indus-
5 trial pollution control facilities.

6 It is hereby further declared to be the policy of this state to
7 protect and promote the health of the inhabitants of this state and to
8 increase trade through promoting the development of facilities to
9 provide recreation for the citizens of the state and to attract tourists
10 from other states, to increasing affordable housing stock in support of
11 regional housing goals as may be established and amended from time to
12 time and to promote the development of renewable energy projects to
13 support the state's renewable energy goals as may be established or
14 amended from time to time.

15 The use of all such rights and powers is a public purpose essential to
16 the public interest, and for which public funds may be expended.

17 § 2. Subdivision 4 of section 854 of the general municipal law, as
18 amended by section 5 of part X of chapter 59 of the laws of 2021, is
19 amended and a new subdivision 22 is added to read as follows:

20 (4) "Project" - shall mean any land, any building or other improve-
21 ment, and all real and personal properties located within the state of
22 New York and within or outside or partially within and partially outside
23 the municipality for whose benefit the agency was created, including,
24 but not limited to, machinery, equipment and other facilities deemed
25 necessary or desirable in connection therewith, or incidental thereto,
26 whether or not now in existence or under construction, which shall be
27 suitable for manufacturing, warehousing, research, commercial, renewable
28 energy, affordable housing or industrial purposes or other economically
29 sound purposes identified and called for to implement a state designated
30 urban cultural park management plan as provided in title G of the parks,
31 recreation and historic preservation law and which may include or mean
32 an industrial pollution control facility, a recreation facility, educa-
33 tional or cultural facility, a horse racing facility, a railroad facili-
34 ty, a renewable energy project, an affordable housing facility, or an
35 automobile racing facility, provided, however, no agency shall use its
36 funds or provide financial assistance in respect of any project wholly
37 or partially outside the municipality for whose benefit the agency was
38 created without the prior consent thereto by the governing body or
39 bodies of all the other municipalities in which a part or parts of the
40 project is, or is to be, located, and such portion of the project
41 located outside such municipality for whose benefit the agency was
42 created shall be contiguous with the portion of the project inside such
43 municipality.

44 (22) "affordable housing" - shall mean housing where the occupant is
45 paying no more than thirty percent of gross income for housing costs,
46 including utilities.

47 § 3. The opening paragraph of section 858 of the general municipal
48 law, as amended by section 6 of part X of chapter 59 of the laws of
49 2021, is amended to read as follows:

50 The purposes of the agency shall be to promote, develop, encourage and
51 assist in the acquiring, constructing, reconstructing, improving, main-
52 taining, equipping and furnishing industrial, manufacturing, warehous-
53 ing, commercial, research, renewable energy, affordable housing, and
54 recreation facilities including industrial pollution control facilities,
55 educational or cultural facilities, railroad facilities, horse racing
56 facilities, automobile racing facilities, renewable energy projects.

1 affordable housing facilities and continuing care retirement communi-
2 ties, provided, however, that, of agencies governed by this article,
3 only agencies created for the benefit of a county and the agency created
4 for the benefit of the city of New York shall be authorized to provide
5 financial assistance in any respect to a continuing care retirement
6 community, and thereby advance the job opportunities, health, general
7 prosperity and economic welfare of the people of the state of New York
8 and to improve their recreation opportunities, prosperity and standard
9 of living; and to carry out the aforesaid purposes, each agency shall
10 have the following powers:

11 § 4. Paragraph (b) of subdivision 5 of section 859-a of the general
12 municipal law, as amended by section 7 of part X of chapter 59 of the
13 laws of 2021, is amended to read as follows:

14 (b) a written cost-benefit analysis by the agency that identifies the
15 extent to which a project will create or retain permanent, private
16 sector jobs; the estimated value of any tax exemptions to be provided;
17 the amount of private sector investment generated or likely to be gener-
18 ated by the proposed project; the contribution of the project to the
19 state's renewable energy goals and emission reduction targets as set
20 forth in the state energy plan adopted pursuant to section 6-104 of the
21 energy law; the contribution of the project to regional housing goals of
22 increasing housing options including but not limited to affordable,
23 workforce, and senior housing; the likelihood of accomplishing the
24 proposed project in a timely fashion; and the extent to which the
25 proposed project will provide additional sources of revenue for munici-
26 palities and school districts; and any other public benefits that might
27 occur as a result of the project;

28 § 5. Paragraph (a) of subdivision 4 of section 874 of the general
29 municipal law, as amended by chapter 386 of the laws of 2019, is amended
30 to read as follows:

31 (a) The agency shall establish a uniform tax exemption policy, with
32 input from affected tax jurisdictions, which shall be applicable to the
33 provision of financial assistance pursuant to section eight hundred
34 fifty-nine-a of this [~~chapter~~] title and shall provide guidelines for
35 the claiming of real property, mortgage recording, and sales tax
36 exemptions. Such guidelines shall include, but not be limited to: peri-
37 od of exemption; percentage of exemption; types of projects for which
38 exemptions can be claimed; procedures for payments in lieu of taxes and
39 instances in which real property appraisals are to be performed as a
40 part of an application for tax exemption; in addition, agencies shall in
41 adopting such policy consider such issues as: the extent to which a
42 project will create or retain permanent, private sector jobs; the esti-
43 mated value of any tax exemptions to be provided; whether affected tax
44 jurisdictions shall be reimbursed by the project occupant if a project
45 does not fulfill the purposes for which an exemption was provided; the
46 impact of a proposed project on existing and proposed businesses and
47 economic development projects in the vicinity; the amount of private
48 sector investment generated or likely to be generated by the proposed
49 project; the demonstrated public support for the proposed project; the
50 likelihood of accomplishing the proposed project in a timely fashion;
51 the effect of the proposed project upon the environment; the extent to
52 which the project will utilize, to the fullest extent practicable and
53 economically feasible, resource conservation, energy efficiency, green
54 technologies, and alternative and renewable energy measures; the extent
55 to which the project will bring additional affordable housing units to
56 the market; the extent to which the proposed project will require the

1 provision of additional services, including, but not limited to addi-
2 tional educational, transportation, police, emergency medical or fire
3 services; and the extent to which the proposed project will provide
4 additional sources of revenue for municipalities and school districts.

5 § 6. Subdivision 5 of section 1951 of the public authorities law, as
6 amended by chapter 907 of the laws of 1972, is amended and a new subdi-
7 vision 16 is added to read as follows:

8 5. The term "project" shall mean any land in one or more areas of the
9 city and any building, structure, facility or other improvement thereon,
10 including, but not limited to machinery and equipment and all real and
11 personal property deemed necessary in connection therewith, whether or
12 not now in existence or under construction, which shall be necessary or
13 suitable for manufacturing, warehousing, research, commercial, afforda-
14 ble housing or industrial purposes and which may include or mean an
15 industrial pollution control facility.

16 16. The term "affordable housing" shall mean housing where the occu-
17 pant is paying no more than thirty percent of gross income for housing
18 costs, including utilities.

19 § 7. The opening paragraph of section 1953 of the public authorities
20 law, as amended by chapter 579 of the laws of 2021, is amended to read
21 as follows:

22 The purposes of the authority shall be to promote, develop, encourage
23 and assist in the acquiring, constructing, reconstructing, improving,
24 maintaining, equipping and furnishing industrial, manufacturing, ware-
25 house, commercial, affordable housing and research facilities including
26 industrial pollution control facilities, transportation facilities
27 including but not limited to those relating to water, highway, rail and
28 air, in one or more areas of the city, particularly but not exclusively
29 at the site of what was formerly the Troy airport including an airstrip
30 or airport located in the southern section of the city and thereby
31 advance the job opportunities, health, general prosperity and economic
32 welfare of the people of said city and to improve their standard of
33 living; provided, however, that the authority shall not undertake any
34 project if the completion thereof would result in the removal of an
35 industrial or manufacturing plant of the project occupant from one area
36 of the state to another area of the state or in the abandonment of one
37 or more plants or facilities of the project applicant located within the
38 state, provided, however, that neither restriction shall apply if the
39 authority shall determine on the basis of the application before it that
40 the project is reasonably necessary to discourage the project occupant
41 from removing such other plant or facility to a location outside the
42 state or is reasonably necessary to preserve the competitive position of
43 the project occupant in its respective industry. Except as otherwise
44 provided for in this section, no financial assistance of the authority
45 shall be provided in respect of any project where facilities or property
46 that are primarily used in making retail sales to customers who
47 personally visit such facilities constitute more than one-third of the
48 total project cost. For the purposes of this article, "retail sales"
49 shall mean: (i) sales by a registered vendor under article twenty-eight
50 of the tax law primarily engaged in the retail sale of tangible personal
51 property, as defined in subparagraph (i) of paragraph four of subdivi-
52 sion (b) of section eleven hundred one of the tax law; or (ii) sales of
53 a service to such customers. Except, however, that tourism destination
54 projects shall not be prohibited by this paragraph. For the purpose of
55 this paragraph, "tourism destination" shall mean a location or facility
56 which is likely to attract a significant number of visitors from outside

1 the economic development region as established by section two hundred
2 thirty of the economic development law in which the project is located.

3 § 8. Subdivision 1 of section 1963-a of the public authorities law, as
4 amended by chapter 386 of the laws of 2019, is amended to read as
5 follows:

6 1. The authority shall establish a uniform tax exemption policy, with
7 input from affected local taxing jurisdictions, which shall be applica-
8 ble to provisions of financial assistance pursuant to section nineteen
9 hundred fifty-three-a of this title and shall provide guidelines for the
10 claiming of real property, mortgage recording, and sales tax exemptions.
11 Such guidelines shall include, but not be limited to: period of
12 exemption; percentage of exemption; types of projects for which
13 exemptions can be claimed; procedures for payments in lieu of taxes and
14 instances in which real property appraisals are to be performed as a
15 part of an application for tax exemption; in addition, the authority in
16 adopting such policy shall consider such issues as: the extent to which
17 a project will create or retain permanent, private sector jobs; the
18 estimated value of any tax exemption to be provided; whether affected
19 tax jurisdictions should be reimbursed by the project occupant if a
20 project does not fulfill the purposes for which an exemption was
21 provided; the impact of a proposed project on existing and proposed
22 businesses and economic development projects in the vicinity; the amount
23 of private sector investment generated or likely to be generated by the
24 proposed project; the demonstrated public support for the proposed
25 project; the likelihood of accomplishing the proposed project in a time-
26 ly fashion; the effect of the proposed project upon the environment; the
27 extent to which the project will utilize, to the fullest extent practi-
28 cable and economically feasible, resource conservation, energy efficien-
29 cy, green technologies, and alternative and renewable energy measures;
30 the extent to which the project will bring additional affordable housing
31 units to the market; the extent to which the proposed project will
32 require the provision of additional services, including, but not limited
33 to additional educational, transportation, police, emergency medical or
34 fire services; and the extent to which the proposed project will provide
35 additional sources ~~[or]~~ of revenue for municipalities and school
36 districts.

37 § 9. Subdivision 5 of section 2302 of the public authorities law, as
38 amended by chapter 356 of the laws of 1993, is amended and a new subdi-
39 vision 17 is added to read as follows:

40 5. The term "project" shall mean any land in one or more areas of the
41 city and within or outside or partially within and partially outside the
42 city and any building, structure, facility or other improvement thereon,
43 including, but not limited to machinery and equipment and all real and
44 personal properties deemed necessary in connection therewith, whether or
45 not now in existence or under construction, which shall be necessary or
46 suitable for industrial, warehousing, research, affordable housing or
47 commercial purposes, or for use by a federal agency or a medical facili-
48 ty and which may include or mean an industrial pollution control facili-
49 ty or a civic facility, provided, however, the authority shall not
50 provide financial assistance in respect of any project wholly or
51 partially outside the city provided, however, that the authority may
52 provide financial assistance for such a project where a portion of the
53 project outside the city is contiguous to a portion of the project
54 located within the city if the authority obtains the prior consent ther-
55 eto by the governing body or bodies of all the other cities, towns or

1 villages in which a part or parts of the project is, or is to be,
2 located.

3 17. The term "affordable housing" shall mean housing where the occu-
4 pant is paying no more than thirty percent of gross income for housing
5 costs, including utilities.

6 § 10. The opening paragraph of section 2306 of the public authorities
7 law, as amended by chapter 304 of the laws of 2013, is amended to read
8 as follows:

9 The purposes of the authority shall be to promote, develop, encourage
10 and assist in the acquiring, constructing, reconstructing, improving,
11 maintaining, equipping and furnishing industrial, manufacturing, ware-
12 house, commercial, affordable housing, and research facilities and
13 facilities for use by a federal agency or a medical facility including
14 industrial pollution control facilities, which may include transporta-
15 tion facilities including but not limited to those relating to water,
16 highway, rail and air, in one or more areas of the city, and thereby
17 advance the job opportunities, health, general prosperity and economic
18 welfare of the people of said city and to improve their medical care and
19 standard of living; provided, however, that the authority shall not
20 undertake any project if the completion thereof would result in the
21 removal of an industrial or manufacturing plant of the project occupant
22 from one area of the state to another area of the state or in abandon-
23 ment of one or more plants or facilities of the project applicant
24 located within the state, provided, however, that neither restriction
25 shall apply if the authority shall determine on the basis of the appli-
26 cation before it that the project is reasonably necessary to discourage
27 the project occupant from removing such other plant or facility to a
28 location outside the state or is reasonably necessary to preserve the
29 competitive position of the project occupant in its respective industry.
30 Except as otherwise provided for in this section, no financial assist-
31 ance of the authority shall be provided in respect of any project where
32 facilities or property that are primarily used in making retail sales to
33 customers who personally visit such facilities constitute more than
34 one-third of the total project cost. For the purposes of this article,
35 "retail sales" shall mean: (i) sales by a registered vendor under arti-
36 cle twenty-eight of the tax law primarily engaged in the retail sale of
37 tangible personal property, as defined in subparagraph (i) of paragraph
38 four of subdivision (b) of section eleven hundred one of the tax law; or
39 (ii) sales of a service to such customers. Except, however, that tourism
40 destination projects shall not be prohibited by this paragraph. For the
41 purpose of this paragraph, "tourism destination" shall mean a location
42 or facility which is likely to attract a significant number of visitors
43 from outside the economic development region as established by section
44 two hundred thirty of the economic development law, in which the project
45 is located.

46 § 11. Subdivision 1 of section 2315 of the public authorities law, as
47 amended by chapter 386 of the laws of 2019, is amended to read as
48 follows:

49 1. The authority shall establish a uniform tax exemption policy, with
50 input from affected local taxing jurisdictions, which shall be applica-
51 ble to provisions of financial assistance pursuant to section twenty-
52 three hundred seven of this title and shall provide guidelines for the
53 claiming of real property, mortgage recording, and sales tax exemptions.
54 Such guidelines shall include, but not be limited to: period of
55 exemption; percentage of exemption; types of projects for which
56 exemptions may be claimed; procedures for payments in lieu of taxes and

1 instances in which real property appraisals are to be performed as a
2 part of an application for tax exemption; in addition, the authority in
3 adopting such policy shall consider such issues as: the extent to which
4 a project will create or retain permanent, private sector jobs; the
5 estimated value of any tax exemption to be provided; whether affected
6 tax jurisdictions should be reimbursed by the project occupant if a
7 project does not fulfill the purposes for which an exemption was
8 provided; the impact of a proposed project on existing and proposed
9 businesses and economic development projects in the vicinity; the amount
10 of private sector investment generated or likely to be generated by the
11 proposed project; the demonstrated public support for the proposed
12 project; the likelihood of accomplishing the proposed project in a time-
13 ly fashion; the effect of the proposed project upon the environment; the
14 extent to which the project will utilize, to the fullest extent practi-
15 cable and economically feasible, resource conservation, energy efficien-
16 cy, green technologies, and alternative and renewable energy measures;
17 the extent to which the project will bring additional affordable housing
18 units to the market; the extent to which the proposed project will
19 require the provision of additional services, including, but not limited
20 to additional educational, transportation, police, emergency medical or
21 fire services; and the extent to which the proposed project will provide
22 additional sources of revenue for municipalities and school districts.

23 § 12. This act shall take effect immediately.