

STATE OF NEW YORK

6640--A

2023-2024 Regular Sessions

IN SENATE

May 3, 2023

Introduced by Sen. KAVANAGH -- read twice and ordered printed, and when printed to be committed to the Committee on Cities 1 -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

AN ACT to amend the real property tax law, in relation to updating and modifying the tax abatements for certain solar and electric storage systems

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

1 Section 1. Subdivisions 2, 7, and 8 of section 499-aaaa of the real
2 property tax law, subdivisions 2 and 8 as amended by chapter 412 of the
3 laws of 2018 and subdivision 7 as added by chapter 473 of the laws of
4 2008, are amended to read as follows:

5 2. "Application for tax abatement" shall mean an application for a
6 solar electric generating system ~~[or]~~ and/or electric energy storage
7 equipment tax abatement pursuant to section four hundred ninety-nine-
8 cccc of this title.

9 7. "Eligible building" shall mean a class one, class two or class four
10 real property, as defined in subdivision one of section eighteen hundred
11 two of this chapter, located within a city having a population of one
12 million or more persons. No building shall be eligible for more than one
13 tax abatement pursuant to this title prior to January first, two thou-
14 sand twenty-four.

15 8. "Eligible solar electric generating system expenditures" and
16 "eligible electric energy storage equipment expenditures" shall mean
17 reasonable expenditures for materials, labor costs properly allocable to
18 on-site preparation, assembly and original installation, architectural
19 and engineering services, and designs and plans directly related to the
20 construction or installation of a solar electric generating system ~~[or]~~
21 and/or electric energy storage equipment installed in connection with an
22 eligible building. Solar parking canopy structures shall be considered a

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

LBD10389-03-3

1 solar electric generating system for the purposes of this subdivision.
2 Such eligible expenditures shall not include interest or other finance
3 charges, or any expenditures incurred using a federal, state or local
4 grant.

5 § 2. Paragraph (e) of subdivision 1 of section 499-bbbb of the real
6 property tax law, as amended by section 1 of item B of subpart H of part
7 XXX of chapter 58 of the laws of 2020, is amended and a new paragraph
8 (f) of subdivision 1 and a new subdivision 5 are added to read as
9 follows:

10 (e) if electric energy storage equipment is placed in service on or
11 after January first, two thousand nineteen, and before January first,
12 two thousand twenty-four, for each year of the compliance period such
13 tax abatement shall be the lesser of (i) ten percent of eligible elec-
14 tric energy storage equipment expenditures, (ii) the amount of taxes
15 payable in such tax year, or (iii) sixty-two thousand five hundred
16 dollars[-]; or

17 (f) if the solar electric generating system and/or electric energy
18 storage system is placed in service on or after January first, two thou-
19 sand twenty-four, and before January first, two thousand thirty-five,
20 for each year of the compliance period such tax abatement shall be the
21 lesser of (i) seven and one-half percent of eligible solar electric
22 generating system and/or energy storage system expenditures, (ii) the
23 amount of taxes payable in such tax year, or (iii) sixty-two thousand
24 five hundred dollars.

25 5. Notwithstanding any limitations or restrictions noted within this
26 section or local law or resolution, eligible buildings that are owned by
27 a corporation, association, organization or trust described in section
28 501 (c) (3) of the United States internal revenue code, incorporated
29 under articles two, four, five, or eleven of the private housing finance
30 law, or are income-restricted affordable housing properties, including
31 but not limited to properties with regulatory agreements with the New
32 York city department of housing preservation and development, New York
33 city housing development corporation, New York state department of hous-
34 ing and community renewal, or the United States department of housing
35 and urban development, shall be eligible for a direct-pay credit equal
36 to the monetary value of the abatement as calculated in paragraph (f) of
37 subdivision one of this section. Such direct-pay credit shall be issued
38 to the eligible building owner by the department of finance in the form
39 of a check irrespective of the amount of taxes payable in such tax year.

40 § 3. Subdivision 1 of section 499-cccc of the real property tax law,
41 as amended by section 2 of item B of subpart H of part XXX of chapter 58
42 of the laws of 2020, is amended to read as follows:

43 1. To obtain a tax abatement pursuant to this title, an applicant must
44 file an application for tax abatement, which may be filed on or after
45 January first, two thousand nine, and on or before [March—fifteenth]
46 January first, two thousand [~~twenty-four~~] thirty-six.

47 § 4. This act shall take effect immediately.