STATE OF NEW YORK

10545

IN ASSEMBLY

March 13, 2026

Introduced by M. of A. SOLAGES -- read once and referred to the Committee on Economic Development

AN ACT to amend chapter 174 of the laws of 1968, constituting the New York state urban development corporation act and the public authorities law, in relation to establishing a semiannual employee resident report

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

Section 1. Subdivision 1 of section 58 of section 1 of chapter 174 of the laws of 1968, constituting the New York state urban development corporation act, as added by section 1 of part NNN of chapter 58 of the laws of 2022, is amended by adding three new paragraphs (g), (h) and (i) to read as follows:

(g) "Closing date" means the last day of a qualified participant's last pay period before June 30 and December 31 of each calendar year.

(h) "Reside" means, for purposes of determining whether an employee resides in the zip code or zip codes where the project is located or does not reside in the zip code or zip codes where the project is located, the payroll records of the qualified participant reflecting the employee's home address as provided by the employee are determinative.

(i) "Classification" means whether an employee is in a "management" or "non-management" position as determined under 29 CFR 541.100, with "management" to hold the same meaning as "employee employed in a bona fide executive capacity".

§ 2. Section 58 of section 1 of chapter 174 of the laws of 1968, constituting the New York state urban development corporation act, as added by section 1 of part NNN of chapter 58 of the laws of 2022, is amended by adding a new subdivision 2-a to read as follows:

2-a. (a) Each qualified participant with more than twenty-five employees, on or before February 1 and August 1 of each calendar year shall file with the department of economic development the semiannual employee residency report described in this subdivision. The department of economic development may not charge or collect a filing or other fee for such report.

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

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(b) The semiannual employee residency report due February 1 is a report for a reporting period from July 1 to the ensuing closing date of the prior year; the semiannual employee residency report due August 1 is a report for a reporting period from January 1 to the ensuing closing date of that same year.

(c) The semiannual employee residency report shall contain:

(i) The name of the qualified participant, both its official name and any doing-business-as name;

(ii) The reporting period of the report;

(iii) The address or addresses of the qualified participant's place or places of business in the state;

(iv) The total number of employees employed by the qualified participant on the applicable closing date, and, separately, the number of such employees:

(A) Who reside in the zip code or zip codes where the project is located; and

(B) Who do not reside in the zip code or zip codes where the project is located;

(v) The aggregate number of hours of work performed by its employees during the reporting period and, separately, the number of hours of work performed by employees:

(A) Who reside in the zip code or zip codes where the project is located; and

(B) Who do not reside in the zip code or zip codes where the project is located;

(vi) The actual average wage by occupation or job classification and total payroll to be created as a result of the benefits as of the applicable closing date by the number of such employees:

(A) Who reside in the zip code or zip codes where the project is located; and

(B) Who do not reside in the zip code or zip codes where the project is located;

(vii) Any additional information, commentary or explanation that the qualified participant may choose to include; and

(viii) A certification by an authorized representative of the qualified participant with knowledge of the facts reported in the report stating that the contents thereof are true and acknowledging the penalty for false certifications if the contents thereof are not true.

(d) Other than the name of the certifying representative required by paragraph (h) of this subdivision, the semiannual employee residency report shall not contain the name of any individual employee, such employee's residential street address, or such employee's specific wage, salary, or compensation, or any other similar personal information about any employee.

(e) Every semiannual employee residency report required by this subdivision is public information upon being filed with the department of economic development and shall be disclosed on demand to any person requesting the same under applicable public record laws.

(f) A qualified participant who is required to file the semiannual employee residency report but fails to do so by the date required or who purposely, knowingly, or recklessly includes one or more materially false statements shall be in violation of this subdivision, and may be subject to an enforcement action by the department of economic development, pursuant to contractual provisions between the department and the qualified participant requiring the keeping and maintaining of accurate records.

(g) Each qualified participant shall keep and maintain records sufficient to establish the accuracy of each semiannual employee residency report for seven years from the due date of each such report.

(h) The department of economic development may adopt and publish frequently asked questions and/or guidance documents necessary or appropriate to interpret this subdivision and to guide and ensure compliance with this subdivision. The department of economic development may establish and provide a method for the electronic submission and filing of reports required by this subdivision.

§ 3. Paragraphs (v), (xiv) and (xv) of subdivision 3 of section 58 of section 1 of chapter 174 of the laws of 1968, constituting the New York state urban development corporation act, as added by section 1 of part NNN of chapter 58 of the laws of 2022, are amended and four new paragraphs (xvi), (xvii), (xviii) and (xix) are added to read as follows:

(v) for any aggregate economic development benefit that provides for job retention or job creation that a qualified participant is receiving, the total job creation commitments, job retention commitments, job creation actual number, and the job retention actual number, displayed in terms of full-time equivalents and part-time jobs, and in terms of classification, shall each be displayed as separate and searchable fields;

(xiv) a user-friendly guide to outline the features and functionality of the database; [~~and~~]

(xv) a dedicated email account for the public to direct questions related to the database[~~.~~];

(xvi) for each individual project receiving aggregate economic development benefits, the six-digit code and category of business receiving the incentive under the North American Industry Classification System adopted by the United States Office of Management and Budget as of January first, two thousand twenty-two;

(xvii) for each individual project receiving aggregate economic development benefits, the total number of employees employed by the qualified participant on the applicable closing date, and, separately, the number of such employees:

(A) Who reside in the zip code or zip codes where the project is located; and

(B) Who do not reside in the zip code or zip codes where the project is located;

(xviii) for each individual project receiving aggregate economic development benefits, the aggregate number of hours of work performed by its employees during the reporting period and, separately, the number of hours of work performed by employees:

(A) Who reside in the zip code or zip codes where the project is located; and

(B) Who do not reside in the zip code or zip codes where the project is located; and

(xix) for each individual project receiving aggregate economic development benefits, the actual average wage by occupation or job classification and total payroll to be created as a result of the benefits, the total number of employees who earn compensation at the rate set forth in each pay band as of the applicable closing date, and, separately, the number of such employees:

(A) Who reside in the zip code or zip codes where the project is located; and

(B) Who do not reside in the zip code or zip codes where the project is located.

§ 4. Section 58 of section 1 of chapter 174 of the laws of 1968, constituting the New York state urban development corporation act, as added by section 1 of part NNN of chapter 58 of the laws of 2022, is amended by adding a new subdivision 7 to read as follows:

7. None of the reporting requirements required by this section shall apply to the COVID-19 capital costs tax credit established pursuant to section 47 of the tax law.

§ 5. Subdivisions 1 and 2 of section 8 of the public authorities law, as added by section 1 of subpart A of part SS of chapter 58 of the laws of 2024, are amended and three new subdivisions 2-a, 4 and 5 are added to read as follows:

1. For the purposes of this section, the following terms shall have the following meanings:

(a) "Economic development benefits" shall mean:

(i) funds made available by a local [~~development corporation for economic development, or job creation purposes including, but not limited to, grants, loans, and bonds; and~~

~~(ii) bonds and tax exemptions which are applied for and preapproved or certified by or on behalf of an industrial development agency for economic development.~~] **authority, including without limitation any entity created incorporated pursuant to section fourteen hundred eleven of the not-for-profit corporation law, for economic development, or job creation purposes including, but not limited to, grants, loans, loan guarantees, loan interest subsidies, and subsidies; and**

(ii) tax credits, tax exemptions, reduced tax rates or other tax incentives which are applied for and preapproved or certified by or on behalf of a local authority, including without limitation any entity created incorporated pursuant to section fourteen hundred eleven of the not-for-profit corporation law, for economic development.

(b) "Qualified participant" shall mean a [~~project operator pursuant to section eight hundred seventy-four of the general municipal law with a project pursuant to section eight hundred fifty-four of the general municipal law~~] **person, business, limited liability corporation or any other entity that has applied for and received benefits as defined in paragraph (a) of this subdivision**.

(b-1) "Additional state economic development benefits" shall mean those economic development benefits made available to the local authority, including without limitation any entity created incorporated pursuant to section fourteen hundred eleven of the not-for-profit corporation law, by a state entity to award such benefits to qualified recipients.

(c) "Full-time equivalent" shall mean a unit of measure, which is equal to one filled, full-time, annual-salaried position [~~in a manner consistent with federal calculations~~].

(d) "The office" shall mean the authorities budget office.

(e) "The database" or "the searchable database" shall mean the database created pursuant to subdivision two **or two-a** of this section.

(f) "The project" shall mean specific work, action, endeavor, contract or agreement for which any economic benefit as defined in paragraph (a) of this subdivision, is made available or awarded by a local [~~development corporation~~] **authority or industrial development agency, including without limitation any entity created incorporated pursuant to section fourteen hundred eleven of the not-for-profit corporation law,** or industrial development agency to a person, business, limited liability corporation or any other entity.

(g) "Project hires" shall mean a job in which an individual is hired for a season or for a limited period of time.

(h) "Part-time job" shall mean a job in which an individual is employed by a qualified participant for less than thirty-five hours a week.

(i) "Closing date" means the last day of a qualified participant's last pay period before June thirtieth and December thirty-first of each calendar year.

(j) "Reside" means, for purposes of determining whether an employee resides in the zip code or zip codes where the project is located or does not reside in the zip code or zip codes where the project is located, the payroll records of the qualified participant reflecting the employee's home address as provided by the employee are determinative.

2. Notwithstanding any laws to the contrary, the office shall create a searchable database, displaying data regarding economic development benefits that a qualified participant has been awarded. Such searchable database shall also separately display data regarding additional state economic development benefits and the aggregate total of benefits defined in paragraph (a) of subdivision one of this section, to the extent that such data has been made available to and is received by the office in the form and manner prescribed by the office. Such searchable database shall include, at a minimum, the following data, features and functionality to the extent practicable:

(a) the ability to search the database by each of the reported information fields;

(b) the ability to be searchable, downloadable, updated quarterly, and posted on a publicly accessible website as well as referenced on the office's website, with a direct link to the database;

(c) the ability to digitally select defined individual fields corresponding to any of the reported information from qualified participants to create unique database views;

(d) the ability to download the database in its entirety, or in part, in a common machine readable format;

(e) a definition or description of terms for fields in the database;

(f) a summary of each separate economic development benefit defined in paragraph (a) of subdivision one of this section, respectively, awarded to qualified participants;

(g) a user-friendly guide to outline the features and functionality of the database;

(h) a dedicated email account for the public to direct questions related to the database, and the office mailing address, office telephone number, and name of the chief officer;

(i) the following data on local development corporations shall be included:

(i) relating to grants, the source of funds for the grant, the name and address of the entity that received the grant, the date and amount awarded, how the grant funds will be used, whether the grant proceeds were expected to result in new jobs being created, and if so, how many jobs were planned to be created and how many jobs have been created to date;

(ii) relating to loans, the source of funds for the loan, the name and address of the entity that received the loan, the date and amount awarded, the loan interest rate, the length of the loan in years, the amount repaid to date, how the loan funds will be used, and whether the loan was provided to the recipient for the purpose of creating jobs, and if so, how many jobs were planned to be created and how many jobs have been created to date; and

(iii) relating to bonds, the name and address of the recipient of the bond proceeds, the amount and date of the bond issuance, the bond interest rate, the year the bonds are expected to be fully retired, the amount of bond principal retired during the reporting period, how the bond proceeds are used, whether the bond proceeds were provided to the recipient to create jobs, and if so, how many jobs were planned to be created and how many jobs have been created to date; and

(j) the following data on industrial development agency projects shall be included:

(i) [~~project~~] a qualified participant's name, project type, project location, and the project's complete address, including the postal code in a separate and searchable field, and the economic region of the state;

(ii) [~~whether the project is part of another phase or multi phase, the category of the project purpose, the total project amount, the benefited project amount, if the project type was a bond, the bond amount, if the project type was a lease, the lease amount, whether the qualified recipient is a not-for-profit, the date the project was approved, whether the industrial development agency took title to a property, and if so, the date that title was taken, and the year financial assistance is planned to end~~] the time span over which a qualified participant is to receive or has received aggregate economic development benefits;

(iii) [~~the qualified participant's name and the qualified participant's complete address, including the postal code in a separate and searchable field~~] the type of such economic development benefits, as defined in paragraph (a) of subdivision one of this section, provided to a qualified participant, including the name of the program or programs through which such benefits are provided, and details as to whether such programs are grants or tax credit programs as a separate and searchable field. Such data shall be provided to the extent practicable for all contracts initiated six months after the effective date of this section;

(iv) [~~the amount of project tax exemptions granted, including for state sales tax, local sales tax, county real property tax, local property tax, school property tax, mortgage recording tax, the total exemptions, and the total exemptions net of real property tax law section four hundred eighty-five-b~~] the total number of employees at all entities utilizing such economic development benefits as defined in paragraph (a) of subdivision one of this section, at the time of the agreement, including the number of full-time equivalents, provided that any project hires or part-time jobs shall be displayed in separate fields and may be converted to full-time equivalents and denoted as such, to the extent practicable for all contracts initiated six months after the effective date of this section;

(v) [~~the amount of payments in lieu of taxes agreed upon and actually made to the county, local municipality, or school district, the total amount of payments in lieu of taxes agreed upon and actually made, and the net exemptions once the payments in lieu of taxes are subtracted from the total project tax exemptions; and~~

~~(vi) the total number of employees for the project prior to industrial development agency status, estimate of jobs to be created, average estimated annual salary of jobs to be created, annualized salary range of jobs to be created, original estimate of jobs to be retained, estimated average annual salary of jobs to be retained, current number of full-time equivalents, number of full-time equivalent construction jobs during the reporting fiscal year, and the net employment change~~] for any

economic development benefits as defined in paragraph (a) of subdivision one of this section that provides for job retention or job creation, that a qualified participant has been awarded, the total job creation commitments, job retention commitments, job creation actual number, and the job retention actual number, displayed in terms of classification, and in terms of full-time equivalents where any project hires or part-time jobs may be converted to full-time equivalents and denoted as such, the actual average wage by occupation or job classification and total payroll to be created as a result of the benefits, shall be provided, each displayed as separate and searchable fields;

(vi) for each individual project receiving aggregate economic development benefits, the six-digit code and category of business receiving the Incentive under the North American Industry Classification System adopted by the United States Office of Management and Budget as of January first, two thousand twenty-two.

(vii) for each individual project receiving aggregate economic development benefits, the total number of employees employed by the qualified participant on the applicable closing date, and, separately, the number of such employees:

(A) Who reside in the zip code or zip codes where the project is located; and

(B) Who do not reside in the zip code or zip codes where the project is located;

(viii) for each individual project receiving aggregate economic development benefits, the aggregate number of hours of work performed by its employees during the reporting period and, separately, the number of hours of work performed by employees:

(A) Who reside in the zip code or zip codes where the project is located; and

(B) Who do not reside in the zip code or zip codes where the project is located;

(ix) for each individual project receiving aggregate economic development benefits, the actual average wage by occupation or job classification and total payroll to be created as a result of the benefits as of the applicable closing date by the number of such employees:

(A) Who reside in the zip code or zip codes where the project is located; and

(B) Who do not reside in the zip code or zip codes where the project is located;

(x) the total and separate amount of economic development benefits defined in paragraph (a) of subdivision one of this section received by a qualified participant to date;

(xi) the total public-private investment made to a project, total public funding received by a project, and project status;

(xii) details related to individual project compliance indicating whether, during the current reporting quarter, the entity managing the award has reduced, cancelled, or recaptured any economic development benefits or additional state economic development benefits from a qualified participant, and, if so, the total amount of the reduction, cancellation, or recapture. Separately, a notation of penalties assessed shall be displayed in a separate and searchable field, as well as the reasons therefor in another separate and searchable field;

(xiii) the ability to digitally select defined individual fields corresponding to any of the reported information from qualified participants to create unique database views;

(xiv) the ability to download the database in its entirety, or in part, in a common machine readable format;

(xv) a definition or description of terms for fields in the database;

(xvi) a summary of each separate economic development benefit defined in paragraph (a) of subdivision one of this section awarded to qualified participants;

(xvii) a user-friendly guide to outline the features and functionality of the database; and

(xviii) a dedicated email account for the public to direct questions related to the database, and the office mailing address, office telephone number, and name of the chief officer of the granting body.

2-a. (a) Each qualified participant with more than twenty-five employees, on or before February first and August first of each calendar year, shall file with the authorities budget office the semiannual employee residency report described in this subdivision. The authorities budget office may not charge or collect a filing or other fee for such report.

(b) The semiannual employee residency report due February first is a report for a reporting period from July first to the ensuing closing date of the prior year; the semiannual employee residency report due August first is a report for a reporting period from January first to the ensuing closing date of that same year.

(c) The semiannual employee residency report shall contain, but not be limited to:

(i) The name of the qualified participant, both its official name and any doing-business-as name; and the six-digit code and category of business receiving the incentive under the North American Industry Classification System adopted by the United States Office of Management and Budget as of January first, two thousand twenty-two;

(ii) The reporting period of the report;

(iii) The address or addresses of the qualified participant's place or places of business in the state;

(iv) The total number of employees employed by the qualified participant on the applicable closing date, and, separately, the number of such employees:

(A) Who reside in the zip code or zip codes where the project is located; and

(B) Who do not reside in the zip code or zip codes where the project is located;

(v) The aggregate number of hours of work performed by its employees during the reporting period and, separately, the number of hours of work performed by employees:

(A) Who reside in the zip code or zip codes where the project is located; and

(B) Who do not reside in the zip code or zip codes where the project is located;

(vi) The actual average wage by occupation or job classification and total payroll to be created as a result of the benefits as of the applicable closing date by the number of such employees:

(A) Who reside in the zip code or zip codes where the project is located; and

(B) Who do not reside in the zip code or zip codes where the project is located;

(vii) Any additional information, commentary or explanation that the qualified participant may choose to include; and

(viii) A certification by an authorized representative of the qualified participant with knowledge of the facts reported in the report

stating that the contents thereof are true and acknowledging the penalty for false certifications if the contents thereof are not true.

(d) Other than the name of the certifying representative required by paragraph (g) of this subdivision, the semiannual employee residency report shall not contain the name of any individual employee, such employee's residential street address, or such employee's specific wage, salary, or compensation, or any other similar personal information about any employee.

(e) Every semiannual employee residency report required by this subdivision is public information upon being filed with the department of economic development and shall be disclosed on demand to any person requesting the same under applicable public record laws.

(f) Each qualified participant shall keep and maintain records sufficient to establish the accuracy of each semiannual employee residency report for twenty-four months from the due date of each such report.

(g) The office may adopt and publish frequently asked questions and/or guidance documents necessary or appropriate to interpret this section and to guide and ensure compliance with this subdivision. The office may establish and provide a method for the electronic submission and filing of reports required by this subdivision.

4. None of the reporting requirements required by this section shall apply to the COVID-19 capital costs tax credit established pursuant to section forty-seven of the tax law.

5. The office shall utilize its powers and duties, including but not limited to those enumerated in sections six and six-a of this title, to ensure timely and accurate reporting of information for the semiannual employee residency report and local authorities searchable subsidy and economic development benefits database.

§ 6. This act shall take effect on the one hundred eightieth day after it shall have become a law.