S T A T E O F N E W Y O R K

3585

2009-2010 Regular Sessions

I N A S S E M B L Y

January 27, 2009

Introduced by M. of A. BRENNAN -- read once and referred to the Committee on Real Property Taxation

AN ACT to amend the real property tax law, in relation to administration of the industrial and commercial incentive program in a city having a population of one million or more; and to repeal subdivision 4 of section 489-eeee of the real property tax law, relating to the filing of a certificate of eligibility under such program

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

Section 1. Paragraph (a) of subdivision 3 of section 489-dddd of the real property tax law, as amended by chapter 781 of the laws of 1992, is amended to read as follows:

(a) No benefits pursuant to this title shall be granted for any construction work unless the applicant filed an application for such benefits [on or before] NO LATER THAN ONE YEAR FROM the date of issuance of a building permit for such work. The requirements of this subdivision may be satisfied where the applicant's architect, contractor or other representative authorized to file the application for such building permit files with the department of finance on behalf of the applicant [a preliminary] AN application containing such information as the department of finance shall prescribe by regulation.

S 2. Subdivision 1 of section 489-eeee of the real property tax law, as amended by chapter 138 of the laws of 2008, is amended to read as follows:

1. Application for a certificate of eligibility pursuant to this title may be made immediately following the effective date of a local law enacted pursuant to this title and continuing until June thirtieth, two thousand eight; provided, however, that application for a certificate of eligibility for renovation construction work for property located in the renovation exemption area specified in subparagraph (ii) of paragraph (d) of subdivision five of section four hundred eighty-nine-cccc of this

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

LBD03240-01-9

title may not be made after January thirty-first, nineteen hundred ninety-five; provided, further, however, that application for a certificate of eligibility for construction of a new building or structure that meets the requirements set forth in subdivision nine of section four hundred eighty-nine-dddd of this title in the new construction exemption area specified in paragraph (a) of subdivision six of section four hundred eighty-nine-cccc of this title may not be made after December thirty-first, nineteen hundred ninety-six; provided, further, however, that application for a certificate of eligibility for construction of a new building or structure that meets the requirements set forth in subdivision nine of section four hundred eighty-nine-dddd of this title in the new construction exemption area specified in paragraph (b) of subdivision six of section four hundred eighty-nine-cccc of this title may not be made after June thirtieth, two thousand three. Such application shall state whether it is for industrial, commercial or renovation construction work, and shall be filed with the department of finance. In addition to any other information required by such department, the application shall include cost estimates or bids for the proposed construction and an affidavit of a professional engineer or architect of the applicant's choice, certifying that detailed plans for the construction work have been submitted to the department of buildings. Such application shall also state that the applicant agrees to comply with and be subject to the rules issued from time to time by the department of finance to secure compliance with all applicable city, state and federal laws or which implement mayoral directives and executive orders designed to ensure equal employment opportunity. If required by local law or rule as described in section four hundred eighty-nine-llll of this title, such application shall also state that the applicant agrees to comply with the program established thereby to ensure meaningful participation of minority and women-owned business enterprises in construction work for which the applicant receives benefits. [Such application shall also certify that all taxes currently due and owing on the property which is the subject of the application have been paid or are currently being paid in timely installments pursuant to written agreement with the department of finance.]

S 3. Subdivision 4 of section 489-eeee of the real property tax law is REPEALED.

S 4. Subdivision 2 of section 489-ffff of the real property tax law, as amended by chapter 661 of the laws of 1995, is amended to read as follows:

2. For the duration of the benefit period the recipient shall file [annually] BIENNIALLY with the department of finance, on or before the APPROPRIATE taxable status date, a certificate of continuing use stating the purposes for which the property described in the certificate of eligibility is being used and the net square footage allotted to each such purpose. Such certificate of continuing use shall be on a form prescribed by the department of finance and shall state the total number of workers employed on the property and the number of such workers who are city residents. The department of finance shall have authority to terminate benefits pursuant to this title upon failure of a recipient to file such certificate by the taxable status date. The burden of proof shall be on the recipient to establish continuing eligibility for benefits and the department of finance shall have the authority to require that statements made in such certificate shall be made under oath.

S 5. Subdivision 3 of section 489-ffff of the real property tax law, as added by chapter 966 of the laws of 1984, is amended to read as follows:

3. A recipient shall file an amendment to the latest certificate of continuing use prior to (a) converting square footage within property which is the subject of a certificate of eligibility for industrial construction work from use for the manufacturing activities described in such certificate of continuing use where such conversion results in less than sixty-five per centum of total net square footage being used or held out for use for manufacturing activities; or (b) converting any portion of property which is the subject of a certificate of eligibility to use for any restricted activity or as residential property. WITH RESPECT TO ANY CONVERSION OF PROPERTY DESCRIBED IN SECTION FOUR HUNDRED EIGHTY-NINE-GGGG OF THIS TITLE TO WHICH THE PRECEDING SENTENCE OF THIS SUBDIVISION DOES NOT APPLY, A RECIPIENT SHALL FILE AN AMENDMENT TO THE LATEST CERTIFICATE OF CONTINUING USE ON OR BEFORE THE NEXT TAXABLE STATUS DATE IMMEDIATELY FOLLOWING SUCH CONVERSION.

S 6. This act shall take effect immediately.