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

4797

2009-2010 Regular Sessions

I N A S S E M B L Y

February 6, 2009

Introduced by M. of A. ALESSI -- read once and referred to the Committee on Ways and Means

AN ACT to amend the tax law, in relation to enacting the "Long Island affordable workforce housing and community improvement program" by providing tax incentives for the construction of affordable workforce housing; and providing for the repeal of such provisions upon expiration thereof

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

Section 1. This act shall be known or may be cited as the "Long Island affordable workforce housing and community improvement program".

S 2. Subdivision (a) of section 1115 of the tax law is amended by adding a new paragraph 44 to read as follows:

(44) (A) TANGIBLE PERSONAL PROPERTY SOLD TO A CONTRACTOR, SUBCONTRACTOR OR REPAIRMAN FOR USE IN ERECTING ONE OR MORE STRUCTURES OR BUILDINGS FOR THE PURPOSE OF PROVIDING FIVE OR MORE SINGLE FAMILY RESIDENTIAL HOMES, FIVE OR MORE SINGLE FAMILY RESIDENTIAL UNITS, OR ANY COMBINATION OF SUCH HOMES OR UNITS THAT TOTAL FIVE OR MORE; PROVIDED THAT:

(I) TEN PERCENT OF SUCH HOMES, UNITS OR COMBINATION THEREOF, ROUNDED UP TO THE NEAREST WHOLE NUMBER, SHALL BE RESERVED FOR AFFORDABLE WORKFORCE HOUSING;

(II) SUCH HOMES, UNITS OR COMBINATION THEREOF RESERVED FOR AFFORDABLE WORKFORCE HOUSING SHALL BE OF A DESIGN THAT IS REASONABLY CONSISTENT WITH NON-AFFORDABLE WORKFORCE HOUSING; AND

(III) SUCH STRUCTURES OR BUILDINGS SHALL BE ERECTED IN A COUNTY WITH A POPULATION OF MORE THAN ONE MILLION THREE HUNDRED THIRTY-FOUR THOUSAND AND LESS THAN ONE MILLION THREE HUNDRED THIRTY-FIVE THOUSAND OR A COUNTY WITH A POPULATION OF MORE THAN ONE MILLION FOUR HUNDRED NINETEEN THOUSAND AND LESS THAN ONE MILLION FOUR HUNDRED TWENTY THOUSAND ACCORDING TO THE TWO THOUSAND FEDERAL DECENNIAL CENSUS.

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

LBD08082-01-9

(B) NO EXEMPTION SHALL BE GRANTED PURSUANT TO THIS PARAGRAPH UNLESS SUCH TANGIBLE PERSONAL PROPERTY IS TO BECOME AN INTEGRAL COMPONENT PART OF SUCH STRUCTURES OR BUILDINGS.

(C) FOR PURPOSES OF THIS PARAGRAPH, THE TERM "AFFORDABLE WORKFORCE HOUSING" SHALL MEAN HOUSING FOR INDIVIDUALS OR FAMILIES WHOSE INCOME IS AT OR BELOW EIGHTY PERCENT OF THE MEDIAN INCOME FOR THE COUNTY IN WHICH SUCH HOUSING IS LOCATED.

(D) THE DEPARTMENT IS HEREBY AUTHORIZED AND DIRECTED TO PROMULGATE RULES AND REGULATIONS NECESSARY TO ESTABLISH THE MANNER, FORM AND PROCEDURES BY WHICH A CONTRACTOR, SUBCONTRACTOR OR REPAIRMAN MAY UTILIZE THE EXEMPTION FROM SALES AND USE TAXES SET FORTH IN THIS PARAGRAPH. ANY CONTRACTOR, SUBCONTRACTOR OR REPAIRMAN WHO FAILS TO USE SUCH EXEMPT TANGIBLE PERSONAL PROPERTY IN COMPLIANCE WITH THE PROVISIONS OF THIS PARAGRAPH SHALL BE SUBJECT TO A CIVIL PENALTY IN THE AMOUNT OF ONE THOUSAND DOLLARS PER VIOLATION.

(E) THE EXEMPTION SET FORTH IN THIS PARAGRAPH SHALL APPLY TO:

(I) THE STATE SHARE OF SALES AND COMPENSATING USE TAXES IMPOSED PURSUANT TO THIS CHAPTER; AND

(II) THE COUNTY SHARE OF SALES AND COMPENSATING USE TAXES IMPOSED PURSUANT TO THIS CHAPTER, PROVIDED THE GOVERNING BOARD OF SUCH COUNTY, AFTER PUBLIC HEARING, ADOPTS A LOCAL LAW, ORDINANCE OR RESOLUTION PROVIDING THEREFOR. ANY COUNTY ADOPTING A LOCAL LAW, ORDINANCE OR RESOLUTION PURSUANT TO THIS CLAUSE SHALL COMPLY WITH THE PROVISIONS OF SUBDIVISIONS (D) AND (E) OF SECTION TWELVE HUNDRED TEN OF THIS CHAPTER.

S 3. This act shall take effect on the first of January next succeeding the date on which it shall have become a law, and shall expire and be deemed repealed December 31, 2017.