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

174

2009-2010 Regular Sessions

I N S E N A T E

(PREFILED)

January 7, 2009

Introduced by Sen. KRUGER -- read twice and ordered printed, and when printed to be committed to the Committee on Local Government

AN ACT to amend the general municipal law, in relation to the creation of urban commercial redevelopment action areas

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

Section 1. Legislative intent. The legislature hereby finds and declares that the establishment of commercial redevelopment action areas can promote expanded retail operations in urban commercial districts and thereby facilitate downtown urban revitalization.

S 2. Section 692 of the general municipal law is amended by adding a new subdivision 8 to read as follows:

8. "URBAN COMMERCIAL REDEVELOPMENT ACTION AREA". AN AREA PREVIOUSLY DESIGNATED AS AN URBAN DEVELOPMENT ACTION AREA WHICH IS DESIGNATED BY THE GOVERNING BODY OF A MUNICIPALITY AS AN URBAN COMMERCIAL REDEVELOPMENT ACTION AREA.

S 3. The opening paragraph of section 693 of the general municipal law, as amended by chapter 701 of the laws of 2006, is designated subdivision 1 and a new subdivision 2 is added to read as follows:

2. AN URBAN COMMERCIAL REDEVELOPMENT ACTION AREA SHALL BE DESIGNATED BY RESOLUTION OF THE GOVERNING BODY OF THE MUNICIPALITY MAKING THE DESIGNATION; PROVIDED, THAT SUCH URBAN COMMERCIAL REDEVELOPMENT ACTION AREA MUST:

(A) CONTAIN AT LEAST FORTY PERCENT VACANT LAND AND/OR ABANDONED BUILDINGS,

(B) BE LOCATED WITHIN OR ADJACENT TO A CENSUS TRACT HAVING A MINORITY POPULATION IN EXCESS OF TWENTY PERCENT,

(C) CONSIST OF REAL PROPERTY AT LEAST THIRTY PERCENT OF WHICH SHALL HAVE DECLINED IN VALUE FOR ASSESSMENT PURPOSES, AND

(D) HAVE POTENTIAL FOR ATTRACTING NEW COMMERCIAL BUSINESSES.

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

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S 4. The opening paragraph of section 693 of the general municipal law, as amended by chapter 437 of the laws of 2000, is designated subdivision 1 and a new subdivision 2 is added to read as follows:

2. AN URBAN COMMERCIAL REDEVELOPMENT ACTION AREA SHALL BE DESIGNATED BY RESOLUTION OF THE GOVERNING BODY OF THE MUNICIPALITY MAKING THE DESIGNATION; PROVIDED, THAT SUCH URBAN COMMERCIAL REDEVELOPMENT ACTION AREA MUST:

(A) CONTAIN AT LEAST FORTY PERCENT VACANT LAND AND/OR ABANDONED BUILDINGS,

(B) BE LOCATED WITHIN OR ADJACENT TO A CENSUS TRACT HAVING A MINORITY POPULATION IN EXCESS OF TWENTY PERCENT,

(C) CONSIST OF REAL PROPERTY AT LEAST THIRTY PERCENT OF WHICH SHALL HAVE DECLINED IN VALUE FOR ASSESSMENT PURPOSES, AND

(D) HAVE POTENTIAL FOR ATTRACTING NEW COMMERCIAL BUSINESSES.

S 5. The general municipal law is amended by adding a new section 694-a to read as follows:

S 694-A. URBAN COMMERCIAL REDEVELOPMENT ACTION AREA APPROVAL BY THE DEPARTMENT OF ECONOMIC DEVELOPMENT. THE DESIGNATION OF AN URBAN COMMERCIAL REDEVELOPMENT ACTION AREA BY A MUNICIPALITY SHALL BE SUBJECT TO THE APPROVAL BY THE STATE DEPARTMENT OF ECONOMIC DEVELOPMENT. THE DEPARTMENT MUST CERTIFY THAT SUCH AREA COMPLIES WITH THE REQUIREMENTS OF SUBDIVISION TWO OF SECTION SIX HUNDRED NINETY-THREE OF THIS ARTICLE.

S 6. The general municipal law is amended by adding a new section 696-e to read as follows:

S 696-E. TAX INCENTIVES FOR RETAIL ESTABLISHMENTS WITHIN URBAN COMMERCIAL REDEVELOPMENT ACTION AREAS. 1. UPON CERTIFICATION BY THE DEPARTMENT OF ECONOMIC DEVELOPMENT, IN CONSULTATION WITH THE COMMISSIONER OF TAXATION AND FINANCE, THAT THE ANTICIPATED LOSS OF SALES AND USE TAX REVENUES TO THE STATE WITHIN ALL SUCH AREAS DOES NOT EXCEED IN THE AGGREGATE TEN MILLION DOLLARS IN ANY FISCAL YEAR AN URBAN COMMERCIAL REDEVELOPMENT ACTION AREA MAY BE GRANTED AN EXEMPTION FROM THE IMPOSITION OF SALES AND USE TAXES WITHIN SUCH AREA AS FOLLOWS:

(A) A PERIOD OF FIVE YEARS FOR SALES BY NEW RETAIL AND COMMERCIAL ESTABLISHMENTS,

(B) A PERIOD OF FOUR YEARS FOR SALES BY RETAIL AND COMMERCIAL ESTABLISHMENTS MAKING SUBSTANTIAL CAPITAL IMPROVEMENTS TO EXISTING OPERATIONS, AND

(C) A PERIOD OF THREE YEARS FOR SALES BY ALL OTHER RETAIL AND COMMERCIAL ESTABLISHMENTS LOCATED WITHIN THE DESIGNATED AREA.

2. IN THE EVENT THAT THE COUNTY IN WHICH AN URBAN COMMERCIAL REDEVELOPMENT ACTION AREA IS LOCATED IMPOSES A SALES AND USE TAX, SUCH COUNTY, BY RESOLUTION, MUST APPROVE THE CREATION OF SUCH AREA PRIOR TO THE GRANTING OF ANY TAX EXEMPTION PURSUANT TO THE PROVISIONS OF THIS SECTION.

S 7. This act shall take effect immediately; provided that the amendments to section 693 of the general municipal law made by section three of this act shall be subject to the expiration and reversion of such section pursuant to section 2 of chapter 701 of the laws of 2006, as amended, when upon such date the provisions of section four of this act shall take effect.