

5935

2009-2010 Regular Sessions

I N S E N A T E

June 19, 2009

Introduced by Sen. PADAVAN -- read twice and ordered printed, and when printed to be committed to the Committee on Rules

AN ACT to amend the general city law and the administrative code of the city of New York, in relation to eligibility of beneficiaries of the industrial and commercial abatement program for special rebates and discounts provided pursuant to the energy cost savings program and the lower Manhattan energy program

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

1 Section 1. Paragraph 1 of subdivision (b) of section 25-s of the  
2 general city law, as amended by chapter 255 of the laws of 2007, is  
3 amended to read as follows:  
4 (1) non-residential premises that are wholly contained in property  
5 that is eligible to obtain benefits under title two-D OR TWO-F of arti-  
6 cle four of the real property tax law, or would be eligible to receive  
7 benefits under such article except that such property is exempt from  
8 real property taxation and the requirements of paragraph (b) of subdivi-  
9 sion seven of section four hundred eighty-nine-dddd of such [law] TITLE  
10 TWO-D, OR THE REQUIREMENTS OF SUBPARAGRAPH (II) OF PARAGRAPH (B) OF  
11 SUBDIVISION FIVE OF SECTION FOUR HUNDRED EIGHTY-NINE-CCCCC OF SUCH  
12 TITLE TWO-F, WHICHEVER IS APPLICABLE, have not been satisfied, provided  
13 that application for such benefits was made after May third, nineteen  
14 hundred eighty-five and prior to July first, two thousand ten, that  
15 construction or renovation of such premises was described in such appli-  
16 cation, that such premises have been substantially improved by such  
17 construction or renovation so described, that the minimum required  
18 expenditure as defined in such title TWO-D OR TWO-F, WHICHEVER IS APPLI-  
19 CABLE, has been made, and that such real property is located in an  
20 eligible area; or

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

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1 S 2. Paragraph 6 of subdivision (b) of section 25-s of the general  
2 city law, as amended by chapter 472 of the laws of 2000, is amended to  
3 read as follows:

4 (6) nonresidential premises contained in real property not located in  
5 an eligible area that otherwise meet the criteria of paragraph one, two,  
6 three, four or five of this subdivision, where such premises shall be  
7 used primarily for manufacturing activities and provided that such prem-  
8 ises shall be improved as a result of expenditures in an amount in  
9 excess of ten per centum of the assessed value of such real property  
10 attributable to such premises at which such real property was assessed  
11 for tax purposes for the tax year in which such improvements commenced,  
12 EXCEPT THAT THE REQUIRED EXPENDITURES FOR IMPROVEMENTS TO PROPERTY  
13 ELIGIBLE TO OBTAIN BENEFITS UNDER TITLE TWO-F OF ARTICLE FOUR OF THE  
14 REAL PROPERTY TAX LAW SHALL BE THE AMOUNT THAT AN APPLICANT MUST EXPEND  
15 ON CONSTRUCTION WORK FOR A PROJECT IN ORDER TO QUALIFY FOR BENEFITS AS  
16 PROVIDED IN SUCH TITLE. Attribution of value shall be made in accord-  
17 ance with the rules and regulations of the city agency designated in the  
18 local law enacted pursuant to section twenty-five-t of this article.  
19 Only expenditures for improvements that have been identified as part of  
20 the construction or reconstruction project meeting the requirements of  
21 paragraph one, two, three, four or five of this subdivision, whichever  
22 is applicable, shall qualify for purposes of satisfying the minimum  
23 expenditure requirements of this subdivision. Notwithstanding the fore-  
24 going, for purposes of applying the criteria of this subdivision, the  
25 reference to May third, nineteen hundred eighty-five contained in para-  
26 graphs one, two and four of this subdivision shall be deemed a reference  
27 to May first, nineteen hundred eighty-six.

28 S 3. Paragraph 1 of subdivision (a) of section 25-aa of the general  
29 city law, as amended by chapter 255 of the laws of 2007, is amended to  
30 read as follows:

31 (1) is eligible to obtain benefits under title two-D OR TWO-F of arti-  
32 cle four of the real property tax law, or would be eligible to receive  
33 benefits under such title except that such property is exempt from real  
34 property taxation and the requirements of paragraph (b) of subdivision  
35 seven of section four hundred eighty-nine-dddd of SUCH TITLE TWO-D, OR  
36 THE REQUIREMENTS OF SUBPARAGRAPH (II) OF PARAGRAPH (B) OF SUBDIVISION  
37 FIVE OF SECTION FOUR HUNDRED EIGHTY-NINE-CCCCC OF SUCH TITLE TWO-F,  
38 WHICHEVER IS APPLICABLE, OF the real property tax law have not been  
39 satisfied, provided that application for such benefits was made after  
40 the thirtieth day of June, nineteen hundred ninety-five and before the  
41 first day of July, two thousand ten, that construction or renovation of  
42 such building or structure was described in such application, that such  
43 building or structure has been substantially improved by such  
44 construction or renovation, and (i) that the minimum required expendi-  
45 ture as defined in such title has been made, or (ii) where there is no  
46 applicable minimum required expenditure, the building was constructed  
47 within such period or periods of time established by title two-D OR  
48 TWO-F, WHICHEVER IS APPLICABLE, of article four of the real property tax  
49 law for construction of a new building or structure; or

50 S 4. Paragraph 1 of subdivision (i) of section 22-601 of the adminis-  
51 trative code of the city of New York, as amended by chapter 255 of the  
52 laws of 2007, is amended to read as follows:

53 (1) Non-residential premises that are wholly contained in property  
54 that is eligible to obtain benefits under part four OR PART FIVE of  
55 subchapter two of chapter two of title eleven of this code, or would be  
56 eligible to receive benefits under such chapter except that such proper-

1 ty is exempt from real property taxation and the requirements of para-  
2 graph two of subdivision g of section 11-259 of this code, OR THE  
3 REQUIREMENTS OF SUBPARAGRAPH (B) OF PARAGRAPH TWO OF SUBDIVISION E OF  
4 SECTION 11-270 OF THIS CODE, WHICHEVER IS APPLICABLE, have not been  
5 satisfied, provided that application for such benefits was made after  
6 May third, nineteen hundred eighty-five and prior to July first, two  
7 thousand ten, that construction or renovation of such premises was  
8 described in such application, that such premises have been substantial-  
9 ly improved by such construction or renovation so described, that the  
10 minimum required expenditure as defined in such [chapter] PART FOUR OR  
11 PART FIVE, WHICHEVER IS APPLICABLE, has been made, and that such real  
12 property is located in an eligible area; or

13 S 5. Paragraph 6 of subdivision (i) of section 22-601 of the adminis-  
14 trative code of the city of New York, as amended by chapter 472 of the  
15 laws of 2000, is amended to read as follows:

16 (6) non-residential premises contained in real property not located in  
17 an eligible area that otherwise meet the criteria of paragraph one, two,  
18 three, four or five of this subdivision, where such premises shall be  
19 used primarily for manufacturing activities and provided that such prem-  
20 ises shall be improved as a result of expenditures in an amount in  
21 excess of ten per centum of the assessed value of such real property  
22 attributable to such premises at which such real property was assessed  
23 for tax purposes for the tax year in which such improvements commenced,  
24 EXCEPT THAT THE REQUIRED EXPENDITURES FOR IMPROVEMENTS TO PROPERTY  
25 ELIGIBLE TO OBTAIN BENEFITS UNDER PART FIVE OF SUBCHAPTER TWO OF CHAPTER  
26 TWO OF TITLE ELEVEN OF THIS CODE SHALL BE THE AMOUNT THAT AN APPLICANT  
27 MUST EXPEND ON CONSTRUCTION WORK FOR A PROJECT IN ORDER TO QUALIFY FOR  
28 BENEFITS AS PROVIDED IN SUCH PART FIVE. Attribution of value shall be  
29 made in accordance with the rules and regulations of the mayor. Only  
30 expenditures for improvements that have been identified as part of the  
31 construction or reconstruction project meeting the requirements of para-  
32 graph one, two, three, four or five of this subdivision, whichever is  
33 applicable, shall qualify for purposes of satisfying the minimum expend-  
34 iture requirements of this subdivision. Notwithstanding the foregoing,  
35 for purposes of applying the criteria of this subdivision, the reference  
36 to May third, nineteen hundred eighty-five contained in paragraphs one,  
37 two and four of this subdivision shall be deemed a reference to May  
38 first, nineteen hundred eighty-six.

39 S 6. This act shall take effect immediately and shall be deemed to  
40 have been in full force and effect on and after July 1, 2008.