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

421

Seventh Extraordinary Session

I N S E N A T E

June 28, 2009

Introduced by COMMITTEE ON RULES -- (at request of the Governor) -- 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:

Section 1. Paragraph 1 of subdivision (b) of section 25-s of the general city law, as amended by chapter 255 of the laws of 2007, is amended to read as follows:

(1) non-residential premises that are wholly contained in property that is eligible to obtain benefits under title two-D OR TWO-F of article four of the real property tax law, or would be eligible to receive benefits under such article except that such property is exempt from real property taxation and the requirements of paragraph (b) of subdivision seven of section four hundred eighty-nine-dddd of such [law] TITLE TWO-D, OR THE REQUIREMENTS OF SUBPARAGRAPH (II) OF PARAGRAPH (B) OF SUBDIVISION FIVE OF SECTION FOUR HUNDRED EIGHTY-NINE-CCCCCC OF SUCH TITLE TWO-F, WHICHEVER IS APPLICABLE, have not been satisfied, provided that application for such benefits was made after May third, nineteen hundred eighty-five and prior to July first, two thousand ten, that construction or renovation of such premises was described in such application, that such premises have been substantially improved by such construction or renovation so described, that the minimum required expenditure as defined in such title TWO-D OR TWO-F, WHICHEVER IS APPLICABLE, has been made, and that such real property is located in an eligible area; or

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

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

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

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

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

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

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

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

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

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

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