

10241

I N A S S E M B L Y

March 11, 2010

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

AN ACT to amend the real property tax law and the administrative code of the city of New York, in relation to extending a real property tax abatement program for certain commercial properties in cities having a population of one million or more and in relation to extending a special reduction under the commercial rent tax in the city of New York

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

1 Section 1. Subdivisions 5 and 9 of section 499-a of the real property  
2 tax law, as amended by section 1 of part 0 of chapter 60 of the laws of  
3 2007, are amended to read as follows:

4 5. "Benefit period." The period commencing with the first day of the  
5 month immediately following the rent commencement date and terminating  
6 no later than sixty months thereafter, provided, however, that with  
7 respect to a lease commencing on or after April first, nineteen hundred  
8 ninety-seven with an initial lease term of less than five years, but not  
9 less than three years, the period commencing with the first day of the  
10 month immediately following the rent commencement date and terminating  
11 no later than thirty-six months thereafter. Notwithstanding the forego-  
12 ing sentence, a benefit period shall expire no later than March thirty-  
13 first, two thousand [sixteen] TWENTY.

14 9. "Eligibility period." The period commencing April first, nineteen  
15 hundred ninety-five and terminating March thirty-first, two thousand  
16 [ten] FOURTEEN.

17 S 2. Paragraph (a) of subdivision 3 of section 499-c of the real prop-  
18 erty tax law, as amended by section 2 of part 0 of chapter 60 of the  
19 laws of 2007, is amended to read as follows:

20 (a) For purposes of determining whether the amount of expenditures  
21 required by subdivision one of this section have been satisfied, expend-  
22 itures on improvements to the common areas of an eligible building shall  
23 be included only if work on such improvements commenced and the expendi-  
24 tures are made on or after April first, nineteen hundred ninety-five and

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

LBD16417-02-0

1 on or before September thirtieth, two thousand [ten] FOURTEEN; provided,  
2 however, that expenditures on improvements to the common areas of an  
3 eligible building made prior to three years before the lease commence-  
4 ment date shall not be included.

5 S 3. Subdivision 8 of section 499-d of the real property tax law, as  
6 amended by section 3 of part 0 of chapter 60 of the laws of 2007, is  
7 amended to read as follows:

8 8. Leases commencing on or after April first, nineteen hundred nine-  
9 ty-seven shall be subject to the provisions of this title as amended by  
10 chapter six hundred twenty-nine of the laws of nineteen hundred ninety-  
11 seven, chapter one hundred eighteen of the laws of two thousand one,  
12 chapter four hundred forty of the laws of two thousand three [and the],  
13 chapter SIXTY of the laws of two thousand seven [that added this phrase]  
14 AND THE CHAPTER OF THE LAWS OF TWO THOUSAND TEN THAT ADDED THIS PHRASE.  
15 Notwithstanding any other provision of law to the contrary, with respect  
16 to leases commencing on or after April first, nineteen hundred ninety-  
17 seven, an application for a certificate of abatement shall be considered  
18 timely filed if filed within one hundred eighty days following the lease  
19 commencement date or within sixty days following the date chapter six  
20 hundred twenty-nine of the laws of nineteen hundred ninety-seven became  
21 a law, whichever is later.

22 S 4. Subparagraph (a) of paragraph 2 of subdivision i of section  
23 11-704 of the administrative code of the city of New York, as amended by  
24 section 4 of part 0 of chapter 60 of the laws of 2007, is amended to  
25 read as follows:

26 (a) An eligible tenant of eligible taxable premises shall be allowed a  
27 special reduction in determining the taxable base rent for such eligible  
28 taxable premises. Such special reduction shall be allowed with respect  
29 to the rent for such eligible taxable premises for a period not exceed-  
30 ing sixty months or, with respect to a lease commencing on or after  
31 April first, nineteen hundred ninety-seven with an initial lease term of  
32 less than five years, but not less than three years, for a period not  
33 exceeding thirty-six months, commencing on the rent commencement date  
34 applicable to such eligible taxable premises, provided, however, that in  
35 no event shall any special reduction be allowed for any period beginning  
36 after March thirty-first, two thousand [sixteen] TWENTY. For purposes  
37 of applying such special reduction, the base rent for the base year  
38 shall, where necessary to determine the amount of the special reduction  
39 allowable with respect to any number of months falling within a tax  
40 period, be prorated by dividing the base rent for the base year by  
41 twelve and multiplying the result by such number of months.

42 S 5. This act shall take effect immediately, provided, however that if  
43 this act shall have become a law after April 1, 2010, it shall be deemed  
44 to have been in full force and effect on and after April 1, 2010.