

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

11041

I N A S S E M B L Y

May 12, 2010

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

AN ACT to amend the general city law and the administrative code of the city of New York, in relation to extending the 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 202 of the laws of 2009, is
3 amended to 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 title two-D,
10 or the requirements of subparagraph (ii) of paragraph (b) of subdivision
11 five of section four hundred eighty-nine-ccccc of such title two-F,
12 whichever is applicable, have not been satisfied, provided that applica-
13 tion for such benefits was made after May third, nineteen hundred eight-
14 y-five and prior to July first, two thousand [ten] THIRTEEN, 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
21 S 2. Paragraph 3 of subdivision (b) of section 25-s of the general
22 city law, as amended by chapter 255 of the laws of 2007, is amended to
23 read as follows:
24 (3) non-residential premises that are wholly contained in real proper-
25 ty that has obtained approval after October thirty-first, two thousand
26 and prior to July first, two thousand [ten] THIRTEEN for financing by an

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

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1 industrial development agency established pursuant to article eighteen-A
2 of the general municipal law, provided that such financing has been used
3 in whole or in part to substantially improve such premises (by
4 construction or renovation), and that expenditures have been made for
5 improvements to such real property in excess of ten per centum of the
6 value at which such real property was assessed for tax purposes for the
7 tax year in which such improvements commenced, that such expenditures
8 have been made within thirty-six months after the earlier of (i) the
9 issuance by such agency of bonds for such financing, or (ii) the convey-
10 ance of title to such property to such agency, and that such real prop-
11 erty is located in an eligible area; or

12 S 3. Paragraph 5 of subdivision (b) of section 25-s of the general
13 city law, as amended by chapter 255 of the laws of 2007, is amended to
14 read as follows:

15 (5) non-residential premises that are wholly contained in real proper-
16 ty owned by such city or the New York state urban development corpo-
17 ration, or a subsidiary thereof, a lease for which was approved in
18 accordance with the applicable provisions of the charter of such city or
19 by the board of directors of such corporation, and such approval was
20 obtained after October thirty-first, two thousand and prior to July
21 first, two thousand [ten] THIRTEEN, provided, however, that such prem-
22 ises were constructed or renovated subsequent to such approval, that
23 expenditures have been made subsequent to such approval for improvements
24 to such real property (by construction or renovation) in excess of ten
25 per centum of the value at which such real property was assessed for tax
26 purposes for the tax year in which such improvements commenced, that
27 such expenditures have been made within thirty-six months after the
28 effective date of such lease, and that such real property is located in
29 an eligible area; or

30 S 4. Paragraph 2 of subdivision (c) of section 25-t of the general
31 city law, as amended by chapter 255 of the laws of 2007, is amended to
32 read as follows:

33 (2) No eligible energy user, qualified eligible energy user, on-site
34 cogenerator, or clean on-site cogenerator shall receive a rebate pursu-
35 ant to this article until it has obtained a certification from the
36 appropriate city agency in accordance with a local law enacted pursuant
37 to this section. No such certification for a qualified eligible energy
38 user shall be issued on or after November first, two thousand. No such
39 certification of any other eligible energy user, on-site cogenerator, or
40 clean on-site cogenerator shall be issued on or after July first, two
41 thousand [ten] THIRTEEN.

42 S 5. Paragraph 1 of subdivision (a) of section 25-aa of the general
43 city law, as amended by chapter 202 of the laws of 2009, is amended to
44 read as follows:

45 (1) is eligible to obtain benefits under title two-D or two-F of arti-
46 cle four of the real property tax law, or would be eligible to receive
47 benefits under such title except that such property is exempt from real
48 property taxation and the requirements of paragraph (b) of subdivision
49 seven of section four hundred eighty-nine-dddd of such title two-D, or
50 the requirements of subparagraph (ii) of paragraph (b) of subdivision
51 five of section four hundred eighty-nine-ccccc of such title two-F,
52 whichever is applicable, of the real property tax law have not been
53 satisfied, provided that application for such benefits was made after
54 the thirtieth day of June, nineteen hundred ninety-five and before the
55 first day of July, two thousand [ten] THIRTEEN, that construction or
56 renovation of such building or structure was described in such applica-

tion, 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 6. Paragraphs 2 and 3 of subdivision (a) of section 25-aa of the general city law, as amended by chapter 255 of the laws of 2007, are amended to read as follows:

(2) has obtained approval after the thirtieth day of June, nineteen hundred ninety-five and before the first day of July, two thousand [ten] THIRTEEN, for financing by an industrial development agency established pursuant to article eighteen-A of the general municipal law, provided that such financing has been used in whole or in part to substantially improve such building or structure by construction or renovation, that expenditures have been made for improvements to such real property in excess of twenty per centum of the value at which such real property was assessed for tax purposes for the tax year in which such improvements commenced, and that such expenditures have been made within thirty-six months after the earlier of (i) the issuance by such agency of bonds for such financing, or (ii) the conveyance of title to such building or structure to such agency; or

(3) is owned by the city of New York or the New York state urban development corporation, or a subsidiary corporation thereof, a lease for which was approved in accordance with the applicable provisions of the charter of such city or by the board of directors of such corporation, as the case may be, and such approval was obtained after the thirtieth day of June, nineteen hundred ninety-five and before the first day of July, two thousand [ten] THIRTEEN, provided that expenditures have been made for improvements to such real property in excess of twenty per centum of the value at which such real property was assessed for tax purposes for the tax year in which such improvements commenced, and that such expenditures have been made within thirty-six months after the effective date of such lease; or

S 7. Subdivision (f) of section 25-bb of the general city law, as amended by chapter 255 of the laws of 2007, is amended to read as follows:

(f) Application and certification. An owner or lessee of a building or structure located in an eligible revitalization area, or an agent of such owner or lessee, may apply to such department of small business services for certification that such building or structure is an eligible building or targeted eligible building meeting the criteria of subdivision (a) or (q) of section twenty-five-aa of this article. Application for such certification must be filed after the thirtieth day of June, nineteen hundred ninety-five and before a building permit is issued for the construction or renovation required by such subdivisions and before the first day of July, two thousand [ten] THIRTEEN, provided that no certification for a targeted eligible building shall be issued after October thirty-first, two thousand. Such application shall identify expenditures to be made that will affect eligibility under such subdivision (a) or (q). Upon completion of such expenditures, an applicant shall supplement such application to provide information (i) establishing that the criteria of such subdivision (a) or (q) have been met; (ii) establishing a basis for determining the amount of special rebates, including a basis for an allocation of the special rebate among eligible

1 revitalization area energy users purchasing or otherwise receiving ener-
2 gy services from an eligible redistributor of energy or a qualified
3 eligible redistributor of energy; and (iii) supporting an allocation of
4 charges for energy services between eligible charges and other charges.
5 Such department shall certify a building or structure as an eligible
6 building or targeted eligible building after receipt and review of such
7 information and upon a determination that such information establishes
8 that the building or structure qualifies as an eligible building or
9 targeted eligible building. Such department shall mail such certif-
10 ication or notice thereof to the applicant upon issuance. Such certif-
11 ication shall remain in effect provided the eligible redistributor of
12 energy or qualified eligible redistributor of energy reports any changes
13 that materially affect the amount of the special rebates to which it is
14 entitled or the amount of reduction required by subdivision (c) of this
15 section in an energy services bill of an eligible revitalization area
16 energy user and otherwise complies with the requirements of this arti-
17 cle. Such department shall notify the private utility or public utility
18 service required to make a special rebate to such redistributor of the
19 amount of such special rebate established at the time of certification
20 and any changes in such amount and any suspension or termination by such
21 department of certification under this subdivision. Such department may
22 require some or all of the information required as part of an applica-
23 tion or other report be provided by a licensed engineer.

24 S 8. Paragraph 1 of subdivision (i) of section 22-601 of the adminis-
25 trative code of the city of New York, as amended by chapter 202 of the
26 laws of 2009, is amended to read as follows:

27 (1) Non-residential premises that are wholly contained in property
28 that is eligible to obtain benefits under part four or part five of
29 subchapter two of chapter two of title eleven of this code, or would be
30 eligible to receive benefits under such chapter except that such proper-
31 ty is exempt from real property taxation and the requirements of para-
32 graph two of subdivision g of section 11-259 of this code, or the
33 requirements of subparagraph (b) of paragraph two of subdivision e of
34 section 11-270 of this code, whichever is applicable, have not been
35 satisfied, provided that application for such benefits was made after
36 May third, nineteen hundred eighty-five and prior to July first, two
37 thousand [ten] THIRTEEN, that construction or renovation of such prem-
38 ises was described in such application, that such premises have been
39 substantially improved by such construction or renovation so described,
40 that the minimum required expenditure as defined in such part four or
41 part five, whichever is applicable, has been made, and that such real
42 property is located in an eligible area; or

43 S 9. Paragraph 3 of subdivision (i) of section 22-601 of the adminis-
44 trative code of the city of New York, as amended by chapter 255 of the
45 laws of 2007, is amended to read as follows:

46 (3) non-residential premises that are wholly contained in real proper-
47 ty that has obtained approval after October thirty-first, two thousand
48 and prior to July first, two thousand [ten] THIRTEEN for financing by an
49 industrial development agency established pursuant to article eighteen-A
50 of the general municipal law, provided that such financing has been used
51 in whole or in part to substantially improve such premises (by
52 construction or renovation), and that expenditures have been made for
53 improvements to such real property in excess of ten per centum of the
54 value at which such real property was assessed for tax purposes for the
55 tax year in which such improvements commenced, that such expenditures
56 have been made within thirty-six months after the earlier of (i) the

1 issuance by such agency of bonds for such financing, or (ii) the convey-
2 ance of title to such property to such agency, and that such real prop-
3 erty is located in an eligible area; or

4 S 10. Paragraph 5 of subdivision (i) of section 22-601, as amended by
5 chapter 255 of the laws of 2007, is amended to read as follows:

6 (5) non-residential premises that are wholly contained in real proper-
7 ty owned by such city or the New York state urban development corpo-
8 ration, or a subsidiary thereof, a lease for which was approved in
9 accordance with the applicable provisions of the charter of such city or
10 by the board of directors of such corporation, and such approval was
11 obtained after October thirty-first, two thousand and prior to July
12 first, two thousand [ten] THIRTEEN, provided, however, that such prem-
13 ises were constructed or renovated subsequent to such approval, that
14 expenditures have been made subsequent to such approval for improvements
15 to such real property (by construction or renovation) in excess of ten
16 per centum of the value at which such real property was assessed for tax
17 purposes for the tax year in which such improvements commenced, that
18 such expenditures have been made within thirty-six months after the
19 effective date of such lease, and that such real property is located in
20 an eligible area; or

21 S 11. Paragraph 1 of subdivision (c) of section 22-602 of the adminis-
22 trative code of the city of New York, as amended by chapter 255 of the
23 laws of 2007, is amended to read as follows:

24 (1) No eligible energy user, qualified eligible energy user, on-site
25 cogenerator, clean on-site cogenerator or special eligible energy user
26 shall receive a rebate pursuant to this chapter until it has obtained a
27 certification as an eligible energy user, qualified eligible energy
28 user, on-site cogenerator, clean on-site cogenerator or special eligible
29 energy user, respectively, from the commissioner of small business
30 services. No such certification for a qualified eligible energy user
31 shall be issued on or after July first, two thousand three. No such
32 certification of any other eligible energy user, on-site cogenerator or
33 clean on-site cogenerator shall be issued on or after July first, two
34 thousand [ten] THIRTEEN. The commissioner of small business services,
35 after notice and hearing, may revoke a certification issued pursuant to
36 this subdivision where it is found that eligibility criteria have not
37 been met or that compliance with conditions for continued eligibility
38 has not been maintained. The corporation counsel may maintain a civil
39 action to recover an amount equal to any benefits improperly obtained.

40 S 12. This act shall take effect immediately.