

4837

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I N A S S E M B L Y

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Introduced by M. of A. MORELLE, CANESTRARI, DelMONTE, PEOPLES, POWELL, NOLAN, GALEF, BRODSKY, BENJAMIN, HOYT, ORTIZ, ABBATE, BING, CYMBROWITZ, ALESSI, GABRYSZAK -- Multi-Sponsored by -- M. of A. BOYLAND, CAHILL, DESTITO, ENGLEBRIGHT, GIANARIS, GUNTHER, JOHN, LENTOL, LIFTON, MAGEE, MARKEY, McENENY, O'DONNELL, PHEFFER, ROBINSON, TOWNS, WEINSTEIN, WEISENBERG -- read once and referred to the Committee on Tourism, Arts and Sports Development

AN ACT to amend the arts and cultural affairs law, in relation to creating the New York state cultural development areas program

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

1 Section 1. This act shall be known and may be cited as the "New York  
2 state cultural development areas program act".

3 S 2. The arts and cultural affairs law is amended by adding a new  
4 article 6 to read as follows:

5 ARTICLE 6

6 NEW YORK STATE CULTURAL DEVELOPMENT AREAS PROGRAM

7 SECTION 6.01. CULTURAL DEVELOPMENT AREAS PROGRAM; CREATION.

8 6.02. LEGISLATIVE INTENT.

9 6.03. DEFINITIONS.

10 6.04. DESIGNATION OF CULTURAL DEVELOPMENT AREA.

11 6.05. CRITERIA FOR CULTURAL DEVELOPMENT AREA DESIGNATION.

12 6.06. DESIGNATION OF CULTURAL ASSETS.

13 6.07. CRITERIA FOR DESIGNATION OF A CULTURAL ASSET.

14 6.08. RESPONSIBILITIES OF THE COMMISSIONER.

15 6.09. NEW YORK STATE CULTURAL DEVELOPMENT AREAS ADVISORY COUN-  
16 CIL.

17 6.10. NEW YORK STATE CULTURAL DEVELOPMENT AREAS EVALUATION.

18 6.11. SPECIAL PROVISIONS RELATING TO CULTURAL DEVELOPMENT AREAS.

19 6.12. DIVISION OF TAXES BY GOVERNMENTAL BODIES.

20 6.13. CULTURAL DEVELOPMENT AREA CAPITAL CORPORATIONS.

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

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- 1 6.14. APPROVAL OF CULTURAL DEVELOPMENT AREAS.  
2 6.15. LOCAL ADMINISTRATION OF CULTURAL DEVELOPMENT AREAS.  
3 6.16. DISPOSITION OF PROPERTY.  
4 6.17. TERMINATION OR REVISION OF A CULTURAL DEVELOPMENT AREA.  
5 6.18. RESCINDING OF LOCAL INCENTIVES.

6 S 6.01. CULTURAL DEVELOPMENT AREAS PROGRAM; CREATION. THE NEW YORK  
7 STATE CULTURAL DEVELOPMENT AREAS PROGRAM IS HEREBY CREATED AND DECLARED  
8 TO BE IN EVERY SENSE IN THE INTERESTS OF THE PEOPLE OF THE STATE AND AN  
9 APPROPRIATE PUBLIC PURPOSE TO PROVIDE FOR THE DEVELOPMENT AND SUPPORT OF  
10 ARTS AND CULTURAL INSTITUTIONS AND THE PRESERVATION OF CULTURAL HERIT-  
11 AGE, INCLUDING THE DEVELOPMENT AND SUPPORT OF ANCILLARY ORGANIZATIONS  
12 AND INFRASTRUCTURE AS MAY BE REQUIRED OR DESIRABLE FOR SUCH PURPOSE, AND  
13 THE CREATION OF JOBS AND THE ENCOURAGEMENT OF ECONOMIC DEVELOPMENT.

14 S 6.02. LEGISLATIVE INTENT. THE LEGISLATURE HEREBY FINDS, DETERMINES  
15 AND DECLARES THAT ARTS AND CULTURAL INSTITUTIONS IN NEW YORK NOT ONLY  
16 PROVIDE EDUCATIONAL, CULTURAL, AND SPIRITUAL OPPORTUNITIES AND PRESERVA-  
17 TION OF HERITAGE TO THE PEOPLE OF THIS STATE, BUT ALSO CONTRIBUTE TO THE  
18 ECONOMY, PROSPERITY, OPPORTUNITY, EDUCATION, AND QUALITY OF LIFE OF ALL  
19 RESIDENTS OF NEW YORK; AND THAT THE IMPORTANT PUBLIC PURPOSE SERVED BY  
20 SUCH INSTITUTIONS HAS BEEN RECOGNIZED BY THE STATE AND LOCAL GOVERN-  
21 MENTS, WHICH HAVE APPROPRIATED AND EXPENDED SUBSTANTIAL FUNDS FOR AND  
22 OTHERWISE SUPPORTED AND ASSISTED SUCH INSTITUTIONS; AND THAT IT IS IN  
23 EVERY WAY AN APPROPRIATE PUBLIC POLICY AND FULLY IN THE INTERESTS OF THE  
24 PEOPLE OF THE STATE TO TAKE STEPS AS MAY BE NECESSARY TO FURTHER  
25 PRESERVE AND ENHANCE THE CONTRIBUTIONS OF SUCH ARTS AND CULTURAL INSTI-  
26 TUTIONS IN NEW YORK.

27 THE LEGISLATURE FINDS THAT THREE DECADES OF REPUTABLE STUDIES HAVE  
28 SHOWN THAT THE DEVELOPMENT AND OPERATIONS OF ARTS AND CULTURAL INSTI-  
29 TUTIONS ARE AN IMPORTANT ECONOMIC DEVELOPMENT TOOL, LEADING TO OR  
30 CONTRIBUTING TO THE EXISTENCE AND GROWTH WITHIN THE STATE AND WITHIN THE  
31 REGIONS AND NEIGHBORHOODS IN WHICH THEY ARE LOCATED OF ADDITIONAL  
32 RELATED AND ANCILLARY INDUSTRIES AND ENTERPRISES, GENERATING SUBSTANTIAL  
33 EMPLOYMENT, IMPROVING PROPERTY VALUES, PRODUCING SIGNIFICANT TAX AND  
34 OTHER REVENUES DIRECTLY AND INDIRECTLY IN AND FOR THE STATE AND LOCAL  
35 GOVERNMENT, AND OTHERWISE VITALLY CONTRIBUTING TO THE ECONOMY AND TAX  
36 BASE OF THE STATE.

37 THE LEGISLATURE FINDS AND DECLARES THAT AN IMPORTANT PUBLIC PURPOSE IS  
38 SERVED AND THE INTERESTS OF THE PEOPLE OF THE STATE ARE PROMOTED BY A  
39 POLICY THAT SUPPORTS THE CULTURAL AND EDUCATIONAL MISSION OF ARTS AND  
40 CULTURAL INSTITUTIONS WHILE ENHANCING THE ECONOMIC, JOB-CREATING POTEN-  
41 TIAL OF SUCH INSTITUTIONS IN A SYSTEMATIC AND APPROPRIATE MANNER; AND  
42 FURTHER DECLARES THAT SUCH A POLICY MUST AT A MINIMUM RECOGNIZE THE  
43 NEEDS OF SUCH INSTITUTIONS FOR SPACE AND FACILITIES (INCLUDING EQUIP-  
44 MENT, FURNISHINGS, AND INSTALLATIONS) TO ASSURE THEIR CONTINUED EXIST-  
45 ENCE, PROPER OPERATION, AND GROWTH; ALLOW PRESERVATION AND EXPANSION OF  
46 THE COLLECTIONS, ENDOWMENTS AND OTHER CAPITAL ASSETS OF SUCH INSTI-  
47 TUTIONS; AND BE IMPLEMENTED IN A MANNER THAT HAS A POSITIVE EFFECT ON  
48 THE ECONOMY, AND ON THE TAX BASE OF THE STATE AND ITS LOCALITIES; AND  
49 PROVIDES FOR AND ENCOURAGES THE FLOW-THROUGH OF BENEFITS TO SURROUNDING  
50 NEIGHBORHOODS AND REGIONS BY STIMULATING FURTHER SPIN-OFF DEVELOPMENT  
51 AND DIRECT INVESTMENT IN SUCH AREAS, IN SUCH FORMS AS DEVELOPMENT OF  
52 HOUSING, COMMERCIAL AND RELATED FACILITIES AND DEVELOPMENT COMPATIBLE  
53 WITH AND COMPLEMENTARY TO SUCH INSTITUTIONS, NEIGHBORHOODS, AND REGIONS.

54 THE LEGISLATURE THEREFORE FINDS, DETERMINES AND DECLARES THAT A PUBLIC  
55 PURPOSE WILL BE SERVED AND THE INTERESTS OF THE PEOPLE OF THE STATE  
56 PROMOTED BY THE CREATION PURSUANT TO THIS ARTICLE OF CULTURAL DEVELOP-

1 MENT AREAS, TO PROVIDE FOR THE DEVELOPMENT, MAINTENANCE, AND SUPPORT OF  
2 ARTS AND CULTURAL INSTITUTIONS AND TO ENHANCE THE ECONOMIC, JOB-CREATING  
3 POTENTIAL OF SUCH INSTITUTIONS IN A SYSTEMATIC AND APPROPRIATE MANNER IN  
4 ACCORDANCE WITH THIS ARTICLE, WHICH INCLUDE THE GRANT OF THE POWERS,  
5 RIGHTS AND DUTIES PROVIDED HEREIN AND INCLUDING THE DELEGATION OF PART  
6 OF THE SOVEREIGN POWER OF THE STATE; AND THAT THE CREATION OF THIS  
7 PROGRAM, THE EXERCISE OF SUCH POWERS AND RIGHTS, THE PERFORMANCE OF SUCH  
8 DUTIES, AND THE CARRYING OUT OF THE PURPOSES OF THE PROGRAM ARE IN ALL  
9 RESPECTS FOR THE BENEFIT OF THE PEOPLE OF THE STATE AND ARE AND WILL  
10 SERVE A PUBLIC PURPOSE AND WILL BE AN ESSENTIAL PUBLIC AND GOVERNMENTAL  
11 FUNCTION.

12 S 6.03. DEFINITIONS. AS USED IN THIS ARTICLE:

13 1. "APPLICANT" IS THE LOCAL GOVERNMENT IN PARTNERSHIP WITH ONE OR MORE  
14 ARTS CORPORATIONS WHICH HAS DESIGNATED A CULTURAL DEVELOPMENT AREA  
15 PURSUANT TO LOCAL LAW, AS REQUIRED IN THIS ARTICLE, AND WHICH HAS  
16 SUBMITTED THE DESIGNATION TO THE COMMISSIONER FOR APPROVAL.

17 2. "ANCILLARY BUSINESSES AND SERVICES" MEANS AND INCLUDES REHEARSAL  
18 SPACE, PARKING, PARKS OR OTHER GREEN SPACE, RESTAURANT, BOUTIQUE, LIGHT  
19 COMMERCIAL, OFFICE, HOUSING, WAREHOUSING, HOTEL OR MOTEL, OR ANY OTHER  
20 BUSINESS OR SERVICE SHOWN IN THE APPLICANT'S DEVELOPMENT PLAN TO BE  
21 DIRECTLY RELATED TO, BENEFITED BY, OR CAPABLE OF ENHANCING THE CONTINUA-  
22 TION OR ENHANCEMENT OF ONE OR MORE ARTS CORPORATIONS WITHIN THE CULTURAL  
23 DEVELOPMENT AREA, AND WHICH WILL THEREFORE ADD TO THE CAPACITY OF SUCH  
24 CULTURAL DEVELOPMENT AREA TO PROVIDE A POSITIVE IMPACT IN THE FORM OF  
25 DIRECT, INDIRECT, AND INDUCED REVENUES TO THE LOCAL ECONOMY, SHORT-TERM  
26 AND LONG-TERM JOB CREATION, AND TO STATE AND LOCAL TAX REVENUES.

27 3. "CULTURAL DEVELOPMENT AREA" OR "CDA" IS AN AREA DESIGNATED AS A  
28 CULTURAL DEVELOPMENT AREA PURSUANT TO THIS ARTICLE.

29 4. "ARTS CORPORATION" MEANS A CORPORATION WHICH HAS RECEIVED A  
30 PROGRAM, OPERATING, OR OTHER GRANT FROM THE NEW YORK STATE COUNCIL FOR  
31 THE ARTS IN THREE OF THE PRIOR FIVE YEARS, OR A CORPORATION CERTIFIED AS  
32 AN ARTS CORPORATION BY THE LOCAL AREA ADMINISTRATOR AND THE CHAIRPERSON  
33 OF THE NEW YORK STATE COUNCIL ON THE ARTS BECAUSE A MAJORITY OF ITS  
34 ACTIVITIES ARE OR ARE PROPOSED TO BE ARTISTIC OR CULTURAL, WHICH TERMS  
35 SHALL BE INTERPRETED AS BROADLY INCLUSIVE BY THE AREA ADMINISTRATOR AND  
36 THE CHAIRPERSON. IN ADDITION, AND ANY OTHER PROVISION OF ANY OTHER LAW  
37 TO THE CONTRARY, NOTHING HEREIN SHALL BE DEEMED TO PREVENT A CORPORATION  
38 WHICH PROVIDES GALLERY OR EXHIBITION SPACE, ARTIST STUDIO SPACE, ARTIST  
39 HOUSING AT BELOW MARKET RENT RATES, SPACE FOR PUBLIC ART PROJECTS AND  
40 THEIR CONSTRUCTION, MUSIC RECORDING STUDIOS, FILM, VIDEO, CLASSROOM AND  
41 STUDIO SPACE FOR ELEMENTARY, SECONDARY OR HIGHER EDUCATION INSTITUTIONS,  
42 OR OTHER FACILITIES WHOSE PURPOSE IS TO EXPOSE THE PUBLIC TO, AND  
43 ENCOURAGE THEIR PARTICIPATION IN THE ARTS, FROM QUALIFYING AS AN ARTS  
44 CORPORATION.

45 5. "CHIEF EXECUTIVE" IS A COUNTY EXECUTIVE OR MANAGER OF A COUNTY, OR  
46 IN A COUNTY NOT HAVING A COUNTY EXECUTIVE OR MANAGER, THE CHAIRPERSON OR  
47 PRESIDING OFFICER OF THE COUNTY LEGISLATIVE BODY. IN THE CASE OF A CITY,  
48 VILLAGE, OR TOWN, IT IS THE MAYOR OF A CITY OR VILLAGE, EXCEPT WHERE A  
49 CITY OR VILLAGE HAS A MANAGER, IT SHALL MEAN SUCH A MANAGER, OR A SUPER-  
50 VISOR OF A TOWN, EXCEPT WHERE A TOWN HAS A MANAGER, IN WHICH CASE IT  
51 SHALL MEAN SUCH MANAGER.

52 6. "CHAIRPERSON" IS THE CHAIRPERSON OF THE NEW YORK STATE COUNCIL ON  
53 THE ARTS.

54 7. "COMMISSIONER" IS THE COMMISSIONER OF THE DEPARTMENT OF ECONOMIC  
55 DEVELOPMENT FOR THE STATE OF NEW YORK.

1 8. "DEPARTMENT" IS THE DEPARTMENT OF ECONOMIC DEVELOPMENT FOR THE  
2 STATE OF NEW YORK.

3 9. "CONSTRUCTION" MEANS THE ERECTION, BUILDING, ACQUISITION, ALTER-  
4 ATION, RECONSTRUCTION, REHABILITATION, IMPROVEMENT, ENLARGEMENT OR  
5 EXTENSION OF A CULTURAL FACILITY, INCLUDING ALL OR ANY PORTION OF  
6 INFRASTRUCTURE AND FACILITIES RELATED THERETO, ANY AND ALL RECREATIONAL,  
7 EDUCATIONAL, CULTURAL, OFFICE, LIVING, REHEARSAL, PARKING, RESTAURANT,  
8 RETAIL, STORAGE AND OTHER FACILITIES NECESSARY OR DESIRABLE IN  
9 CONNECTION WITH THE CULTURAL FACILITY; AND THE ENGINEERING, ARCHITEC-  
10 TURAL, LEGAL, FISCAL AND ECONOMIC INVESTIGATIONS, STUDIES, SURVEYS,  
11 DESIGNS, PLANS, DRAWINGS, SPECIFICATIONS, PROCEDURES, AND OTHER ACTIONS.

12 10. "CULTURAL FACILITY" MEANS ANY STRUCTURE, IMPROVEMENT, FURNISHING,  
13 EQUIPMENT OR OTHER REAL OR PERSONAL PROPERTY THAT IS OR IS TO BE USED,  
14 OWNED, OR OCCUPIED IN WHOLE OR IN PART, BUT IN NO CASE LESS THAN TWEN-  
15 TY-FIVE PERCENT, BY AN ARTS CORPORATION, AS WELL AS ANY AND ALL RECRE-  
16 ATIONAL, EDUCATIONAL, CULTURAL, OFFICE, LIVING, REHEARSAL, PARKING,  
17 RESTAURANT, RETAIL, STORAGE AND OTHER FACILITIES NECESSARY OR DESIRABLE  
18 IN CONNECTION WITH THE ACTIVITIES OF THE ARTS CORPORATION.

19 11. "CULTURAL FACILITY PROJECT" MEANS A PROJECT FOR THE CONSTRUCTION  
20 OF A CULTURAL FACILITY.

21 12. "PERSON" MEANS ANY PERSON, INCLUDING INDIVIDUALS, FIRMS, PARTNER-  
22 SHIPS, ASSOCIATIONS, PUBLIC UTILITIES, OR AUTHORITIES ORGANIZED OR  
23 EXISTING UNDER THE LAWS OF THE STATE OR ANY OTHER STATE, EXCLUSIVE OF A  
24 STATE AGENCY.

25 13. "REAL PROPERTY" MEANS LANDS, STRUCTURES, FRANCHISES AND INTERESTS  
26 IN LAND, WATERS, LANDS UNDER WATER, RIPARIAN RIGHTS AND AIR-RIGHTS AND  
27 ANY AND ALL THINGS AND RIGHTS INCLUDED WITHIN SAID TERM AND INCLUDES NOT  
28 ONLY FEES SIMPLE ABSOLUTE BUT ALSO ANY AND ALL LESSER INTERESTS INCLUD-  
29 ING BUT NOT LIMITED TO EASEMENTS, RIGHTS OF WAY, USES, LEASES, LICENSES  
30 AND ALL OTHER INCORPOREAL HEREDITAMENTS AND EVERY ESTATE, INTEREST OR  
31 RIGHT, LEGAL OR EQUITABLE, INCLUDING TERMS FOR YEARS AND LIENS THEREON  
32 BY WAY OF JUDGMENTS, MORTGAGES OR OTHERWISE.

33 14. "COMMUNITY CULTURAL DEVELOPMENT PROJECTS" ARE PROJECTS SPONSORED  
34 BY NOT-FOR-PROFIT ORGANIZATIONS WHICH HAVE BEEN APPROVED BY THE AREA  
35 BOARD, WHICH WILL ADVANCE THE AREA DEVELOPMENT PLAN. FOR PURPOSES  
36 DESCRIBED IN SUBDIVISION TWENTY OF SECTION TWO HUNDRED TEN, SUBSECTION  
37 (L) OF SECTION SIX HUNDRED SIX, SUBSECTION (D) OF SECTION FOURTEEN  
38 HUNDRED FIFTY-SIX AND SUBDIVISION (H) OF SECTION FIFTEEN HUNDRED ELEVEN  
39 OF THE TAX LAW, SUCH PROJECTS SHALL BE LIMITED TO PROGRAMS SERVING AREA  
40 RESIDENTS AND BUSINESSES; COMMUNITY DEVELOPMENT PROJECTS IN DIRECT  
41 SUPPORT OF ECONOMIC DEVELOPMENT AND BUSINESS REVITALIZATION ACTIVITIES,  
42 SUCH AS COMMERCIAL REVITALIZATION PROJECTS; AND BUSINESS DEVELOPMENT  
43 ACTIVITIES OF LOCAL DEVELOPMENT CORPORATIONS.

44 15. "HUMAN RESOURCE DEVELOPMENT" IS JOB PREPARATION AND PLACEMENT,  
45 SKILLS TRAINING AND EDUCATION FOR AREA RESIDENTS AND EMPLOYEES OF AREA  
46 BUSINESSES, CHILD AND FAMILY CARE SERVICES AND FACILITIES, AND ACTIV-  
47 ITIES TO IMPROVE THE HEALTH BENEFITS AND OTHER BENEFITS PROVIDED BY AREA  
48 BUSINESSES TO THEIR EMPLOYEES.

49 16. "LOCAL CULTURAL DEVELOPMENT AREA ADMINISTRATIVE BOARD" IS THE  
50 ENTITY DESIGNATED BY THE APPLICANT THAT IS RESPONSIBLE FOR MONITORING,  
51 EVALUATING AND COORDINATING ALL CDA BENEFITS ON BEHALF OF THE APPLICANT.  
52 SUCH ENTITY SHALL CONSIST OF AT LEAST SIX MEMBERS, NONE OF WHOM SHALL BE  
53 THE CDA CERTIFICATION OFFICER, AND SHALL BE REPRESENTATIVE OF LOCAL  
54 BUSINESSES, ORGANIZED LABOR, COMMUNITY ORGANIZATIONS, FINANCIAL INSTI-  
55 TUTIONS, LOCAL EDUCATIONAL INSTITUTIONS AND RESIDENTS OF THE CDA.

1 17. "LOCAL CULTURAL DEVELOPMENT AREA CERTIFICATION OFFICER" IS THE  
2 OFFICIAL DESIGNATED BY THE APPLICANT WHO IS RESPONSIBLE FOR JOINTLY  
3 CERTIFYING AND DECERTIFYING TOGETHER WITH THE COMMISSIONER OR, AS APPRO-  
4 PRIATE, THE CHAIRPERSON, THOSE ARTS CORPORATIONS AND SERVICES ELIGIBLE  
5 TO RECEIVE BENEFITS PURSUANT TO THIS ARTICLE.

6 18. "LOCAL GOVERNMENT" IS A COUNTY, EXCEPT IN THE CASE OF A COUNTY  
7 WHOLLY CONTAINED WITHIN A CITY IN WHICH CASE IT IS THE CITY.

8 19. "LOCALLY OWNED BUSINESS ENTERPRISE" IS A BUSINESS FIRM IN WHICH  
9 THE TOTAL OWNERSHIP INTEREST HELD BY INDIVIDUALS WHO ARE FULL TIME BONA  
10 FIDE RESIDENTS OF THE CDA IS MORE THAN EIGHTY PERCENT, WHOSE BUSINESS  
11 ACTIVITIES ARE CONDUCTED IN A MANNER WHEREBY AT LEAST FIFTY PERCENT OF  
12 THE ASSETS OF SUCH FIRM ARE LOCATED AND UTILIZED IN SUCH AREA, AND AT  
13 LEAST FORTY PERCENT OF SUCH FIRM'S EMPLOYEES ARE PRINCIPALLY EMPLOYED IN  
14 SUCH AREA; PROVIDED HOWEVER, FOR BUSINESS FIRMS LOCATED WITHIN AREAS  
15 DESIGNATED IN A CITY SUCH INDIVIDUALS SHALL RESIDE WITHIN A COMMUNITY  
16 PLANNING BOARD OR WITHIN TRADITIONAL NEIGHBORHOOD BOUNDARIES AND  
17 PROVIDED FURTHER HOWEVER FOR BUSINESS FIRMS LOCATED WITHIN AREAS OUTSIDE  
18 OF A CITY SUCH INDIVIDUALS MAY RESIDE IN THE COUNTY IN WHICH THE AREA IS  
19 DESIGNATED.

20 20. "MINORITY GROUP MEMBER" IS A UNITED STATES CITIZEN OR PERMANENT  
21 RESIDENT ALIEN WHO IS AND CAN DEMONSTRATE MEMBERSHIP IN ONE OF THE  
22 FOLLOWING GROUPS: BLACK PERSONS HAVING ORIGINS IN ANY OF THE BLACK AFRI-  
23 CAN RACIAL GROUPS; HISPANIC PERSONS OF MEXICAN, PUERTO RICAN, DOMINICAN,  
24 CUBAN, CENTRAL OR SOUTH AMERICAN OF EITHER INDIAN OR HISPANIC ORIGIN,  
25 REGARDLESS OF RACE; NATIVE AMERICAN OR ALASKAN NATIVE PERSONS HAVING  
26 ORIGINS IN ANY OF THE ORIGINAL PEOPLES OF NORTH AMERICA; AND ASIAN AND  
27 PACIFIC ISLANDER PERSONS HAVING ORIGINS IN ANY OF THE FAR EAST COUN-  
28 TRIES, SOUTHEAST ASIA, THE INDIAN SUBCONTINENT OR THE PACIFIC ISLANDS.

29 21. "MINORITY-OWNED BUSINESS ENTERPRISE" IS AN INDEPENDENTLY OWNED AND  
30 OPERATED SOLE PROPRIETORSHIP, PARTNERSHIP, CORPORATION, OR OTHER BUSI-  
31 NESS ENTERPRISE AUTHORIZED TO DO BUSINESS IN THIS STATE WHICH IS AT  
32 LEAST FIFTY-ONE PERCENT OWNED BY ONE OR MORE MINORITY GROUP MEMBERS, AND  
33 SUCH MINORITY OWNERSHIP IS REAL, SUBSTANTIAL AND CONTINUING, AND SUCH  
34 MINORITY OWNERSHIP HAS AND EXERCISES THE AUTHORITY TO CONTROL INDEPEND-  
35 ENTLY THE DAY-TO-DAY BUSINESS DECISIONS OF THE ENTERPRISE.

36 22. "SINGLE ENTERPRISE" IS TWO OR MORE RELATED BUSINESS ENTERPRISES  
37 CHARACTERIZED BY AN ABSENCE OF ARM'S LENGTH RELATIONSHIPS FOUND AMONG  
38 ENTERPRISES THAT ARE NOT INTEGRATED. FACTORS TO BE CONSIDERED, AMONG  
39 OTHER THINGS, IN DETERMINING THE EXISTENCE OF A SINGLE ENTERPRISE ARE  
40 INTERRELATION OF OPERATIONS, COMMON MANAGEMENT, CENTRALIZED CONTROL OF  
41 LABOR RELATIONS, COMMON OWNERSHIP AND COMMON FINANCIAL CONTROL.

42 23. "TARGETED EMPLOYEE" IS A NEW YORK RESIDENT WHO RECEIVES CDA WAGES  
43 AND WHO IS (A) AN ELIGIBLE INDIVIDUAL UNDER THE PROVISION OF THE TARGET-  
44 ED JOBS TAX CREDIT (SECTION FIFTY-ONE OF THE INTERNAL REVENUE CODE), (B)  
45 ELIGIBLE FOR BENEFITS UNDER THE PROVISIONS OF THE JOB TRAINING PARTNER-  
46 SHIP ACT (P.L. 97-300, AS AMENDED), (C) A RECIPIENT OF PUBLIC ASSISTANCE  
47 BENEFITS, OR (D) AN INDIVIDUAL WHOSE INCOME IS BELOW THE MOST RECENTLY  
48 ESTABLISHED POVERTY RATE PROMULGATED BY THE UNITED STATES DEPARTMENT OF  
49 COMMERCE, OR A MEMBER OF A FAMILY WHOSE FAMILY INCOME IS BELOW THE MOST  
50 RECENTLY ESTABLISHED POVERTY RATE PROMULGATED BY THE APPROPRIATE FEDERAL  
51 AGENCY. AN INDIVIDUAL WHO SATISFIES THE CRITERIA SET FORTH IN PARAGRAPH  
52 (A), (B) OR (D) OF THIS SUBDIVISION AT THE TIME OF INITIAL EMPLOYMENT IN  
53 THE JOB WITH RESPECT TO WHICH THE CREDIT IS CLAIMED, OR WHO SATISFIES  
54 THE CRITERION SET FORTH IN PARAGRAPH (C) OF THIS SUBDIVISION AT SUCH  
55 TIME OR AT ANY TIME WITHIN THE PREVIOUS TWO YEARS, SHALL BE A TARGETED  
56 EMPLOYEE SO LONG AS SUCH INDIVIDUAL CONTINUES TO RECEIVE CDA WAGES.

1 24. "WOMEN-OWNED BUSINESS ENTERPRISE" IS AN INDEPENDENTLY OWNED AND  
2 OPERATED SOLE PROPRIETORSHIP, PARTNERSHIP, CORPORATION, OR OTHER BUSI-  
3 NESS ENTERPRISE AUTHORIZED TO DO BUSINESS IN THIS STATE WHICH IS AT  
4 LEAST FIFTY-ONE PERCENT OWNED BY ONE OR MORE UNITED STATES CITIZENS OR  
5 PERMANENT RESIDENT ALIENS WHO ARE WOMEN, AND SUCH OWNERSHIP IS REAL,  
6 SUBSTANTIAL AND CONTINUING, AND SUCH OWNERSHIP HAS AND EXERCISES THE  
7 AUTHORITY TO CONTROL INDEPENDENTLY THE DAY-TO-DAY BUSINESS DECISIONS OF  
8 THE ENTERPRISE.

9 25. "AREA ADMINISTRATIVE ENTITY" IS A COMMUNITY-BASED LOCAL DEVELOP-  
10 MENT CORPORATION OR ENTITY CONTRACTING WITH THE LOCAL CDA BOARD OR THE  
11 MUNICIPALITY IN WHICH THE AREA IS LOCATED IN THOSE INSTANCES WHERE THE  
12 MUNICIPALITY ACTIVELY PARTICIPATES IN THE LOCAL ADMINISTRATION OF THE  
13 AREA PROGRAM.

14 S 6.04. DESIGNATION OF CULTURAL DEVELOPMENT AREA. THERE SHALL BE A  
15 TOTAL OF NO FEWER THAN TWO BUT NO MORE THAN FOUR CULTURAL DEVELOPMENT  
16 AREAS IN NEW YORK, LOCATED IN AND DESIGNATED BY THE GOVERNING BODY OF  
17 ANY COUNTY. ON THE NEXT JANUARY FIRST SUCCEEDING THE EFFECTIVE DATE OF  
18 THIS ARTICLE, EVERY COUNTY, CITY, TOWN OR VILLAGE ACTING ON RECOMMENDA-  
19 TION OF ITS CHIEF EXECUTIVE, MAY DESIGNATE A CULTURAL DEVELOPMENT AREA.  
20 SUCH DESIGNATION SHALL MEET THE CRITERIA AND PROCESS ESTABLISHED IN THIS  
21 ARTICLE FOR DESIGNATION OF A CULTURAL DEVELOPMENT AREA, INCLUDING THE  
22 PASSAGE OF A LOCAL LAW, BUT SHALL NOT BE EFFECTIVE UNTIL AFTER APPROVAL  
23 IN WRITING BY THE COMMISSIONER. SUBMISSION TO THE COMMISSIONER FOR  
24 APPROVAL MAY OCCUR AT ANY TIME PRIOR TO OR AFTER SUCH JANUARY FIRST  
25 DATE, AND THE CULTURAL DEVELOPMENT AREA SHALL BECOME EFFECTIVE ON THE  
26 PRIOR OR NEXT SUCCEEDING JANUARY FIRST NEAREST THE DATE OF SUCH WRITTEN  
27 APPROVAL.

28 S 6.05. CRITERIA FOR CULTURAL DEVELOPMENT AREA DESIGNATION. 1. IN  
29 DESIGNATING AN AREA AS A CULTURAL DEVELOPMENT AREA, A LOCAL GOVERNMENT  
30 SHALL ADOPT A PLAN WHICH DEMONSTRATES HOW AN AREA MEETS THE CRITERIA  
31 ESTABLISHED IN THIS ARTICLE FOR SUCH DESIGNATION, AND PROVIDES SUCH  
32 OTHER DEMONSTRATIONS AS ARE REQUIRED BY THIS ARTICLE. SUCH PLAN SHALL BE  
33 INCLUDED IN THE LOCAL LAW DESIGNATING A CULTURAL DEVELOPMENT AREA.

34 2. TO BE DESIGNATED AS A CULTURAL DEVELOPMENT AREA BY A LOCAL GOVERN-  
35 MENT AN AREA:

36 (A) MUST BE CHARACTERIZED BY THE EXISTENCE OF ONE OR MORE ARTS CORPO-  
37 RATIONS. SOLELY FOR THE PURPOSES OF AN APPLICATION, IT SHALL BE SUFFI-  
38 CIENT FOR THE CHIEF EXECUTIVE OF THE LOCAL GOVERNMENT IN WHICH SUCH CDA  
39 IS PROPOSED TO BE LOCATED TO CERTIFY ONE OR MORE ENTITIES AS AN ARTS  
40 CORPORATION, OR TO CERTIFY THAT THE PROPOSED CDA WILL CONTAIN ONE OR  
41 MORE ARTS CORPORATIONS WITHIN A YEAR OF ITS DESIGNATION;

42 (B) SHALL NOT EXCEED TWO SQUARE MILES, AND SHALL BE DEFINED BY ONE OR  
43 MORE BORDERS AS DETERMINED BY THE APPLICANT, WHICH, WHERE APPROPRIATE,  
44 SHALL INCLUDE MAJOR NATURAL OR MAN-MADE PHYSICAL BOUNDARIES, SUCH AS  
45 BODIES OF WATER, RAILROAD LINES, OR LIMITED ACCESS HIGHWAYS. SUCH  
46 BORDERS MUST BE CONTIGUOUS;

47 (C) SHALL INCLUDE AT LEAST TWENTY-FIVE PERCENT OF THE TOTAL LAND  
48 AND/OR THE TOTAL SQUARE FOOTAGE OF FACILITIES AS VACANT, ABANDONED, OR  
49 OTHERWISE AVAILABLE FOR COMMERCIAL DEVELOPMENT OR REDEVELOPMENT, OR  
50 DEVELOPMENT OR REDEVELOPMENT OF APPROPRIATE ANCILLARY BUSINESSES AND  
51 SERVICES.

52 LANDS NEARBY OR CONTIGUOUS TO CENSUS TRACTS OR BLOCK NUMBERING AREAS  
53 DESCRIBED IN THIS SUBDIVISION MAY BE INCLUDED WITHIN A CULTURAL DEVELOP-  
54 MENT AREA UPON APPROVAL BY THE COMMISSIONER IF THE APPLICANT SHALL  
55 DEMONSTRATE TO THE COMMISSIONER'S SATISFACTION THAT SUCH ADDITIONAL  
56 LANDS HAVE SIGNIFICANT POTENTIAL FOR ARTS AND CULTURAL DEVELOPMENT AND

1 JOB CREATION, WHICH WILL ENHANCE ECONOMIC REVITALIZATION OF THE AREA AND  
2 BENEFIT AREA RESIDENTS.

3 3. THE PLAN SHALL DEMONSTRATE THAT THE CREATION OF A CULTURAL DEVELOP-  
4 MENT AREA IS NECESSARY TO THE DEVELOPMENT, CONTINUATION, OR ENHANCEMENT  
5 OF ONE OR MORE ARTS CORPORATIONS; OR NECESSARY TO THE PRESERVATION OF  
6 CULTURAL HERITAGE; OR THE DEVELOPMENT, CONTINUATION, OR ENHANCEMENT OF  
7 ARTS CORPORATIONS WITHIN SUCH AREA SHALL LEAD TO DEVELOPMENT WITHIN THE  
8 AREA OF ADDITIONAL ARTS CORPORATIONS AND SERVICES, OR THE DEVELOPMENT OF  
9 INFRASTRUCTURE THAT WILL STIMULATE THE DEVELOPMENT OF AN ARTS COMMUNITY  
10 WITHIN THE CDA. ADDITIONALLY, THE PLAN SHALL DEMONSTRATE THAT THE DEVEL-  
11 OPMENT, CONTINUATION, PRESERVATION, OR ENHANCEMENT OF ARTS AND CULTURAL  
12 CORPORATIONS, CULTURAL FACILITIES, AND ANCILLARY BUSINESSES AND SERVICES  
13 AS ENVISIONED THEREIN WILL HAVE A POSITIVE IMPACT IN THE FORM OF:

14 (A) DIRECT, INDIRECT, AND INDUCED REVENUES TO THE LOCAL ECONOMY,  
15 INCLUDING SUBSTANTIAL PUBLIC AND PRIVATE COMMITMENTS TO A LONG-TERM  
16 ECONOMIC REVITALIZATION PROGRAM FOR THE AREA;

17 (B) SHORT-TERM AND LONG-TERM JOB CREATION, INCLUDING THE POTENTIAL OF  
18 THE AREA TO ATTRACT INVESTMENT THAT WILL PROVIDE EMPLOYMENT TO PERSONS  
19 IN THE AREA WHO ARE UNEMPLOYED OR ECONOMICALLY DISADVANTAGED; PROVIDED,  
20 HOWEVER, THAT MEASURES OF JOB CREATION SHALL BE ON A FULL-TIME EQUIV-  
21 AGENCY BASIS;

22 (C) INCREASES IN PER CAPITA INCOME WITHIN THE AREA AND WITHIN THE  
23 JURISDICTION OF THE LOCAL GOVERNMENT;

24 (D) RECLAMATION OF ABANDONED, UNUSED, OR UNDER-UTILIZED PROPERTY,  
25 LAND, OR BUILDINGS;

26 (E) ENHANCEMENT OF STATE AND LOCAL TAX REVENUES; AND

27 (F) OTHER APPROPRIATE MEASURES OF INCREASED ECONOMIC ACTIVITY OR  
28 CAPACITY THAT ARE CONSISTENT WITH THE SPIRIT AND INTENT OF THIS ARTICLE.

29 4. ADDITIONALLY, THE PLAN AND THE SUBMISSION TO THE COMMISSIONER FOR  
30 APPROVAL OF THE AREA SHALL INCLUDE EVIDENCE OF PREVIOUS, CONCURRENT OR  
31 PROPOSED ECONOMIC DEVELOPMENT INITIATIVES, WHICH WOULD EITHER SUPPLE-  
32 MENT, OR BE ENHANCED BY, A CULTURE AREA; IDENTIFICATION OF SPECIFIC  
33 INFRASTRUCTURE DEVELOPMENT, OR CAPITAL IMPROVEMENTS, AND THE INTENDED  
34 USAGES THAT WILL BE SUPPORTED BY THE DESIGNATION OF THE AREA AS A CDA;  
35 IDENTIFICATION OF ANY CAPITAL IMPROVEMENTS THAT MUST BE COMPLETED PRIOR  
36 TO THE AVAILABILITY OF SUCH STRUCTURES FOR PUBLIC USE; AND A SPECIFIC  
37 TIMELINE FOR THE COMPLETION OF SUCH PROJECTS, AND THE ANTICIPATED  
38 OUTCOME OF CULTURE AREA DESIGNATION. THE APPLICANT SHALL DEMONSTRATE  
39 LOCAL CAPACITY TO MANAGE SUCH A PROGRAM, DEMONSTRATE THE MANNER IN WHICH  
40 THE OVERALL AREA PLAN ENUNCIATES THE NEEDS OF THE AREA AND SETS FORTH  
41 PROPOSALS TO SOLVE THEM, AND THE MANNER IN WHICH PROGRESS IN IMPLEMENT-  
42 ING THE AREA PLAN WILL BE ROUTINELY EVALUATED ON THE LOCAL LEVEL AND HOW  
43 INFORMATION ESSENTIAL FOR PERIODIC EVALUATIONS WILL BE COMPILED. THE  
44 PLAN SHALL FURTHER INCLUDE:

45 (A) A STATEMENT INDICATING HOW CDA DESIGNATION WOULD ASSIST IN THE  
46 REVITALIZATION OF THE AREA IN WHICH SUCH AREA IS PROPOSED TO BE LOCATED;

47 (B) A DESCRIPTION OF THE METHOD BY WHICH INDUSTRIAL DEVELOPMENT AGEN-  
48 CIES OR OTHER PUBLIC FINANCE AGENCIES SHALL GRANT A PREFERENCE FOR ALLO-  
49 CATION OF PRIVATE ACTIVITY BONDING AUTHORITY FOR PROJECTS LOCATED IN THE  
50 PROPOSED CDA;

51 (C) A DESCRIPTION OF PROPOSALS FOR INFRASTRUCTURE IMPROVEMENTS AND  
52 INVESTMENTS AND A TIMETABLE FOR THEIR COMPLETION;

53 (D) A STATEMENT IDENTIFYING THOSE LOCAL TAX INCENTIVES PROPOSED TO BE  
54 OFFERED WITHIN THE AREA;

55 (E) A DESCRIPTION OF A PROCEDURE TO EXPEDITE THE ISSUANCE OF ANY  
56 REQUIRED LOCAL PERMITS OR LICENSES;

1 (F) A DESCRIPTION OF OTHER ACTIVITIES TO BE UNDERTAKEN BY MUNICIPAL  
2 AGENCIES, BUSINESS ENTITIES, NOT-FOR-PROFIT CORPORATIONS,  
3 COMMUNITY-BASED ORGANIZATIONS OR ANY OTHER PERSONS, WHICH ARE DESIGNED  
4 TO PROMOTE PRIVATE SECTOR INVESTMENT AND JOB DEVELOPMENT IN THE CDA AND  
5 A DESCRIPTION OF THE JOB TRAINING OR JOB PLACEMENT SERVICES TO BE MADE  
6 AVAILABLE TO CDA RESIDENTS IN NEED OF SUCH TRAINING OR SERVICES;

7 (G) AN INVENTORY OF REAL PROPERTY LOCATED WITHIN THE PROPOSED CDA THAT  
8 IS OWNED BY A MUNICIPALITY OR THE STATE AND IS CURRENTLY UNUSED BY THE  
9 MUNICIPALITY OR THE STATE;

10 (H) A DESCRIPTION OF THE BUSINESS DEVELOPMENT PROGRAMS AND SERVICES TO  
11 BE AVAILABLE TO STIMULATE THE CREATION OF NEW SMALL BUSINESSES, INCLUD-  
12 ING NEW SMALL MINORITY AND WOMEN BUSINESS ENTERPRISES;

13 (I) A DESCRIPTION OF EFFORTS THAT WILL BE UNDERTAKEN TO PREVENT OR  
14 DISCOURAGE THE DISPLACEMENT OF RESIDENTS OF THE PROPOSED CDA;

15 (J) A DESCRIPTION OF ACTIVITIES DESIGNED TO ENSURE THE MEANINGFUL  
16 PARTICIPATION OF MINORITY-OWNED AND WOMEN-OWNED BUSINESS ENTERPRISES IN  
17 CDA DEVELOPMENT ACTIVITIES;

18 (K) A DESCRIPTION OF PROVISIONS FOR THE PARTICIPATION OF NOT-FOR-PRO-  
19 FIT CULTURAL AND BUSINESS CORPORATIONS IN THE DEVELOPMENT OF THE PLAN  
20 AND IN STRATEGIES FOR IMPLEMENTATION OF THE PLAN;

21 (L) A DESCRIPTION OF THE MARKETING STRATEGY TO BE EMPLOYED BY THE  
22 APPLICANT TO PROMOTE DEVELOPMENT IN THE AREA AND THE RESOURCES TO BE  
23 COMMITTED BY THE APPLICANT AND OTHER ORGANIZATIONS TO THE IMPLEMENTATION  
24 OF SUCH STRATEGY;

25 (M) A DESCRIPTION OF THE METHOD BY WHICH THE APPLICANT WILL EVALUATE  
26 THE SUCCESS OF ANY ACTIVITIES TO BE UNDERTAKEN IN THE PROPOSED CDA,  
27 PROVIDED, HOWEVER, THAT THE APPLICANT SHALL TAKE INTO CONSIDERATION THE  
28 FACTORS UPON WHICH THE SELECTION OF THE AREA WAS BASED IN ANY EVALU-  
29 ATION;

30 (N) A DESCRIPTION OF PROVISIONS FOR PARTICIPATION AND ALLOCATION OF  
31 FUNDS BY THE AFFECTED SERVICE DELIVERY AREA PRIVATE INDUSTRY COUNCIL AND  
32 ADMINISTRATIVE ENTITY ESTABLISHED PURSUANT TO THE JOB TRAINING PARTNER-  
33 SHIP ACT (P.L. 97-300, AS AMENDED) TO PROVIDE JOB TRAINING IN THE AREA;

34 (O) A STATEMENT OF THE REASONS WHY THE PARTICULAR GEOGRAPHIC CONFIG-  
35 URATION OF THE AREA WAS SELECTED;

36 (P) A DESCRIPTION OF THE STRUCTURE AND DUTIES OF THE LOCAL AREA ADMIN-  
37 ISTRATIVE BOARD TO BE ESTABLISHED WITHIN EACH CDA AS PROVIDED IN THIS  
38 ARTICLE;

39 (Q) A DESCRIPTION OF THE SPECIAL PROGRAMS TO BE OPERATED BY EDUCA-  
40 TIONAL INSTITUTIONS AND OTHER TRAINING ENTITIES IN THE AREA TO PREPARE  
41 AND TRAIN AREA RESIDENTS FOR EMPLOYMENT BY BUSINESSES LOCATED WITHIN AND  
42 OUTSIDE THE AREA;

43 (R) A STATEMENT FROM THE APPROPRIATE REGIONAL ECONOMIC DEVELOPMENT  
44 COUNCIL SETTING FORTH THE SPECIFIC RESOURCES TO BE ALLOCATED FOR BUSI-  
45 NESS DEVELOPMENT IN THE AREA;

46 (S) A DESCRIPTION OF FACILITIES FOR LICENSED AND CERTIFIED CHILD DAY  
47 CARE FOR THE CHILDREN OF PERSONS ENGAGED IN TRAINING FOR EMPLOYMENT IN,  
48 OR EMPLOYED IN, THE AREA;

49 (T) DESCRIPTION OF SPECIFIC STRATEGIES AND PRIORITIES FOR ECONOMIC  
50 REVITALIZATION OF THE AREA AND OF INDICATORS TO BE USED TO MEASURE  
51 PERFORMANCE AGAINST OBJECTIVES;

52 (U) A STATEMENT OF HUMAN RESOURCE DEVELOPMENT GOALS FOR THE CDA AND  
53 SPECIFIC STRATEGIES FOR ACHIEVING THEM;

54 (V) A DESCRIPTION OF HOW THE APPLICANT WILL USE AREA DESIGNATION TO  
55 COORDINATE ECONOMIC DEVELOPMENT PROGRAMS AND PROVIDERS AT THE LOCAL  
56 LEVEL TO SERVICE THE AREA;

1 (W) A DESCRIPTION OF THE ORGANIZATIONAL ACTIONS TO BE TAKEN BY THE  
2 LOCAL CDA ADMINISTRATIVE BOARD AND AREA ADMINISTRATIVE ENTITIES TO  
3 IMPLEMENT SPECIFIED BUSINESS, COMMUNITY AND HUMAN RESOURCE DEVELOPMENT  
4 GOALS AND STRATEGIES; AND

5 (X) A DESCRIPTION OF THE FINANCIAL COMMITMENTS WHICH THE APPLICANT IS  
6 PREPARED TO MAKE TO THE AREA, INCLUDING, BUT NOT LIMITED TO, SPECIFIC  
7 COMMITMENTS FOR INFRASTRUCTURE IMPROVEMENTS.

8 S 6.06. DESIGNATION OF CULTURAL ASSETS. 1. THERE SHALL BE A TOTAL OF  
9 ONE HUNDRED CULTURAL ASSETS DESIGNATED IN NEW YORK, LOCATED IN AND  
10 DESIGNATED BY THE GOVERNING BODY OF ANY COUNTY, CITY, TOWN OR VILLAGE,  
11 PROVIDED, HOWEVER, THAT NO CULTURAL ASSET MAY BE LOCATED WITHIN THE  
12 BOUNDARIES OF ANY DESIGNATED CULTURAL DEVELOPMENT AREA. ON THE NEXT  
13 JANUARY FIRST SUCCEEDING THE EFFECTIVE DATE OF THIS ARTICLE, EVERY COUN-  
14 TY, CITY, TOWN OR VILLAGE ACTING ON RECOMMENDATION OF ITS CHIEF EXECU-  
15 TIVE, MAY DESIGNATE A CULTURAL ASSET. SUCH DESIGNATION SHALL MEET THE  
16 CRITERIA AND PROCESS ESTABLISHED IN THIS ARTICLE FOR DESIGNATION OF A  
17 CULTURAL DEVELOPMENT AREA, INCLUDING THE PASSAGE OF A LOCAL LAW, BUT  
18 SHALL NOT BE EFFECTIVE UNTIL AFTER APPROVAL IN WRITING BY THE COMMIS-  
19 SIONER. SUBMISSION TO THE COMMISSIONER FOR APPROVAL MAY OCCUR AT ANY  
20 TIME PRIOR TO OR AFTER SUCH JANUARY FIRST DATE, AND THE CULTURAL ASSET  
21 SHALL BECOME EFFECTIVE ON THE PRIOR OR NEXT SUCCEEDING JANUARY FIRST  
22 NEAREST THE DATE OF SUCH WRITTEN APPROVAL.

23 2. A CULTURAL ASSET MAY BE ANY SINGLE BUILDING OWNED IN WHOLE OR IN  
24 PART BY AN ARTS CORPORATION THE PURPOSE FOR WHICH IS THE PRESENTATION OR  
25 EXHIBITION OR CREATION OF ARTISTIC OR CULTURAL PERFORMANCES OR EXHIBITS  
26 TO THE PUBLIC.

27 S 6.07. CRITERIA FOR DESIGNATION OF A CULTURAL ASSET. THE COMMISSIONER  
28 SHALL ESTABLISH A SET OF CRITERIA FOR THE DESIGNATION OF A CULTURAL  
29 ASSET CONSISTENT WITH THOSE CRITERIA ESTABLISHED IN SECTION 6.05 OF THIS  
30 ARTICLE, PROVIDED THAT THE COMMISSIONER SHALL ADOPT THE PROVISIONS OF  
31 THAT SECTION AS NECESSARY FOR THE DESIGNATION OF CULTURAL ASSETS.

32 S 6.08. RESPONSIBILITIES OF THE COMMISSIONER. THE COMMISSIONER SHALL:

33 1. AFTER CONSULTATION WITH THE DIRECTOR OF THE BUDGET, THE COMMISSION-  
34 ER OF TAXATION AND FINANCE, AND THE CHAIRPERSON OF THE COUNCIL ON THE  
35 ARTS, PROMULGATE REGULATIONS WHICH SHALL NOT EXCEED THE REQUIREMENTS  
36 ESTABLISHED IN THIS ARTICLE, GOVERNING CRITERIA FOR ELIGIBILITY FOR  
37 CULTURAL DEVELOPMENT AREA DESIGNATION, PROVIDED, HOWEVER, THAT SUCH  
38 CRITERIA BE APPROVED BY THE DIRECTOR OF THE BUDGET; THE APPLICATION  
39 PROCESS; AND THE CERTIFICATION OR, AS APPROPRIATE, THE ELIGIBILITY, OF  
40 ARTS CORPORATIONS, CULTURAL FACILITIES, AND SERVICES FOR BENEFITS  
41 REFERRED TO IN THIS ARTICLE.

42 2. PROMULGATE REGULATIONS, AFTER CONSULTATION WITH THE CHAIRPERSON OF  
43 THE COUNCIL ON THE ARTS CONCERNING JOINT DECERTIFICATION BY THE COMMIS-  
44 SIONER AND THE LOCAL AREA CERTIFICATION OFFICER SO AS TO REVOKE THE  
45 CERTIFICATION OF ARTS CORPORATIONS FOR BENEFITS REFERRED TO IN THIS  
46 ARTICLE UPON A FINDING THAT THE ARTS CORPORATION:

47 (A) MADE MATERIAL MISREPRESENTATIONS OF FACT ON ITS APPLICATION FOR  
48 CERTIFICATION, OR FAILED TO DISCLOSE FACTS IN ITS APPLICATION FOR  
49 CERTIFICATION THAT WOULD CONSTITUTE GROUNDS FOR NOT ISSUING A CERTIF-  
50 ICATION;

51 (B) FAILED TO CONSTRUCT, EXPAND, REHABILITATE OR OPERATE ITS FACILITY  
52 SUBSTANTIALLY IN ACCORDANCE WITH THE REPRESENTATIONS CONTAINED IN ITS  
53 APPLICATION FOR CERTIFICATION;

54 (C) FAILED TO SUBMIT AN ANNUAL REPORT OR FAILED TO SUBMIT OTHER  
55 REQUIRED INFORMATION TO THE LOCAL CERTIFICATION OFFICER WHEN DUE; OR

1 (D) COMMITTED SUBSTANTIAL VIOLATIONS OF LAWS FOR THE PROTECTION OF  
2 WORKERS INCLUDING ALL FEDERAL, STATE AND LOCAL LABOR LAWS, RULES OR  
3 REGULATIONS.

4 SUCH REGULATIONS SHALL PROVIDE THAT WHENEVER ANY ARTS CORPORATION IS  
5 DECERTIFIED THE DATE DETERMINED TO BE THE EARLIEST EVENT CONSTITUTING  
6 GROUNDS FOR REVOKING CERTIFICATION SHALL BE THE EFFECTIVE DATE OF DECER-  
7 TIFICATION, AND THE COMMISSIONER SHALL NOTIFY THE COMMISSIONER OF TAXA-  
8 TION AND FINANCE THAT SUCH DECERTIFICATION HAS OCCURRED, AND SUCH  
9 NOTIFICATION SHOULD INCLUDE THE EFFECTIVE DATE OF SUCH DECERTIFICATION  
10 AND THE AREA TO WHICH SUCH DECERTIFICATION APPLIES.

11 3. RECEIVE AND REVIEW APPLICATIONS FOR DESIGNATION OF AREAS AS CDAS,  
12 INCLUDING NEW APPLICATIONS TO REPLACE ANY PREVIOUSLY DESIGNATED AREA THE  
13 DESIGNATION OF WHICH HAS BEEN TERMINATED OR WITHDRAWN.

14 4. FILE NOTICE OF THE DESIGNATION OR REDESIGNATION OF A CDA OR OF THE  
15 REVISION OR TERMINATION OF SUCH DESIGNATION WITH THE APPLICANT, THE  
16 DEPARTMENT OF TAXATION AND FINANCE, THE SECRETARY OF STATE, WITH THE  
17 COUNTY, CITY, TOWN OR VILLAGE CLERK OF EACH COUNTY, CITY, TOWN, OR  
18 VILLAGE, RESPECTIVELY, IN WHICH THE CDA IS LOCATED, WITH THE SCHOOL  
19 DISTRICT GOVERNING BODY IN WHICH THE AREA IS LOCATED, WITH THE STATE  
20 BOARD OF REAL PROPERTY SERVICES AND WITH OTHER STATE AND LOCAL ENTITIES.  
21 SUCH NOTICE SHALL SPECIFY THE DATE SUCH ACTION WAS TAKEN AND SHALL  
22 CONTAIN A DESCRIPTION SUFFICIENT TO IDENTIFY THE AREA, INCLUDING THE  
23 NAMES OF THE ABUTTING STREETS, ROADS, HIGHWAYS, BODIES OF WATER, OR  
24 OTHER IDENTIFYING PHYSICAL FEATURES.

25 5. REQUEST, AND SHALL RECEIVE FROM ANY DEPARTMENT, DIVISION, BOARD,  
26 BUREAU, COMMISSION, AGENCY OR PUBLIC AUTHORITY OF THE STATE SUCH ASSIST-  
27 ANCE AS MAY BE NECESSARY TO ESTABLISH A PROCEDURE WHEREBY APPLICATIONS  
28 SUBMITTED BY ENTITIES LOCATED WITHIN A CDA REQUESTING FINANCIAL AND  
29 OTHER ASSISTANCE PROVIDED BY STATE PROGRAMS, INCLUDING, BUT NOT LIMITED  
30 TO, CAPITAL DEVELOPMENT, HUMAN RESOURCE DEVELOPMENT, BUSINESS ASSIST-  
31 ANCE, JOB TRAINING AND JOB PLACEMENT, SHALL, CONSISTENT WITH FEDERAL  
32 LAW, BE GIVEN PRIORITY OVER APPLICATIONS SUBMITTED BY ENTITIES NOT  
33 LOCATED IN SUCH AREAS.

34 6. ESTABLISH A PRIORITY FOR THE ALLOCATION OF AUTHORITY TO ISSUE  
35 PRIVATE ACTIVITY BONDS FOR THE BENEFIT OF MUNICIPALITIES AND ARTS CORPO-  
36 RATIONS LOCATED OR TO BE LOCATED WITHIN CULTURAL DEVELOPMENT AREAS.

37 7. COORDINATE, WITH THE LOCAL AREA ADMINISTRATIVE BOARD AND STATE  
38 AGENCIES AND AUTHORITIES, THE PROVISION OF DEVELOPMENT PROGRAMS AND  
39 SERVICES FOR EACH AREA IN ORDER TO STIMULATE THE CREATION AND DEVELOP-  
40 MENT OF NEW ARTS CORPORATIONS, CULTURAL FACILITIES, AND SERVICES,  
41 INCLUDING NEW SMALL MINORITY-OWNED AND WOMEN-OWNED BUSINESS ENTERPRISES,  
42 AND MAY REQUEST AND SHALL RECEIVE FROM ANY DEPARTMENT, DIVISION, BOARD,  
43 BUREAU, COMMISSION, AGENCY OR PUBLIC AUTHORITY OF THE STATE SUCH ASSIST-  
44 ANCE AS MAY BE NECESSARY.

45 8. COORDINATE WITH THE COMPTROLLER AND THE COMMISSIONER OF TAXATION  
46 AND FINANCE A LINKED DEPOSIT PROGRAM. THE COMPTROLLER AND THE COMMIS-  
47 SIONER OF TAXATION AND FINANCE ARE HEREBY AUTHORIZED AND EMPOWERED TO  
48 ENTER INTO AGREEMENTS WITH FINANCIAL INSTITUTIONS LOCATED IN OR SERVING  
49 THE CDAS, TO PROVIDE FOR THE DEPOSIT OF FUNDS ADMINISTERED JOINTLY BY  
50 THEM IN SUCH INSTITUTIONS, AT REDUCED RATES OF RETURN TO THE STATE, IN  
51 RETURN FOR COMMITMENTS BY SUCH INSTITUTIONS TO BUSINESSES OF LOANS OF  
52 COMPARABLE AMOUNTS, AT REDUCED INTEREST RATES, FOR BUSINESS DEVELOPMENT  
53 PROJECTS IN THE AREAS THAT WILL CREATE OR PRESERVE JOBS.

54 9. ASSIST EACH LOCAL CDA BOARD IN PREPARING A DEVELOPMENT PLAN AS  
55 REQUIRED BY THIS ARTICLE AND COORDINATE WITH THE LOCAL AREA ADMINISTRA-  
56 TIVE BOARD AND STATE AGENCIES AND AUTHORITIES THE DEVELOPMENT OF ARTS

1 CORPORATION AND CULTURAL FACILITIES PROCUREMENT, EXPORT, AND MARKETING  
2 PROGRAMS.

3 10. CONTRACT WITH A STATEWIDE ARTS GROUP WHICH HAS HAD EXPERIENCE IN  
4 THE DEVELOPMENT OF CULTURAL DEVELOPMENT AREAS IN NEW YORK FOR PROGRAM  
5 EVALUATION AND COORDINATE THE IMPLEMENTATION OF AN EVALUATION SYSTEM,  
6 WHICH IS CAPABLE OF COMPILING AND ANALYZING ACCURATE AND CONSISTENT  
7 INFORMATION NECESSARY FOR AN ASSESSMENT OF WHETHER STATUTORY OBJECTIVES  
8 AND CRITERIA ARE BEING MET.

9 11. REVIEW PERFORMANCE OBJECTIVES AND PROGRESS IN MEETING OBJECTIVES  
10 WITH CDA BOARDS AND AREA ADMINISTRATIVE ENTITIES AS PART OF THE ANNUAL  
11 ADMINISTRATIVE CONTRACT PROCESS.

12 12. COORDINATE WITH THE DEPARTMENT OF LABOR, THE STATE EDUCATION  
13 DEPARTMENT, THE JOB TRAINING PARTNERSHIP COUNCIL AND AGENCIES OF THE  
14 STATE THE INCLUSION IN ANNUAL AND BIENNIAL PLANS OF SUCH ENTITIES' STRA-  
15 TEGIES FOR INCREASING AND IMPROVING HUMAN RESOURCE DEVELOPMENT SERVICES  
16 ON A PRIORITY BASIS, CONSISTENT WITH FEDERAL STATUTORY AND REGULATORY  
17 REQUIREMENTS, TO RESIDENTS OF THE AREAS AND EMPLOYEES OF AREA BUSI-  
18 NESSES, INCLUDING, BUT NOT LIMITED TO, THE GOVERNOR'S PLAN FOR COORDI-  
19 NATION AND SPECIAL SERVICES OF THE JOB TRAINING PARTNERSHIP COUNCIL, THE  
20 JOBS PLAN AND WAGNER-PEYSER ANNUAL PLAN FOR SERVICES OF THE DEPARTMENT  
21 OF LABOR, AND THE CAREER EDUCATION STATE PLAN OF THE STATE EDUCATION  
22 DEPARTMENT.

23 13. ARRANGE WITH THE JOB TRAINING PARTNERSHIP COUNCIL THE PROVISION OF  
24 JOB TRAINING PARTNERSHIP ACT FUNDS FOR USE WITHIN THE AREAS WITH THE  
25 COOPERATION OF THE SERVICE DELIVERY AREAS IN THE GOVERNOR'S PLAN FOR  
26 COORDINATION AND SPECIAL SERVICES.

27 14. SUBJECT TO THE AVAILABILITY OF FUNDS, ARRANGE FOR THE ALLOCATION  
28 AND RESERVATION OF FUNDS FROM THE INFRASTRUCTURE IMPROVEMENT PROGRAMS OF  
29 STATE AGENCIES AND AUTHORITIES TO ASSIST THE AREAS TO MAKE PUBLIC  
30 IMPROVEMENTS NECESSARY FOR COMMUNITY, COMMERCIAL, INDUSTRIAL AND TOURISM  
31 DEVELOPMENT PROJECTS IN SUPPORT OF AREA REVITALIZATION.

32 15. SYSTEMATICALLY ENLIST OTHER STATE AGENCIES AND AUTHORITIES TO  
33 PARTICIPATE IN AREA PROGRAMS AND PROJECTS AND IN COOPERATIVE PLANNING OF  
34 INTERAGENCY AREA ACTIVITIES IN SUPPORT OF AREA REVITALIZATION EFFORTS.

35 16. RECOMMEND FOR EMPIRE LOAN AND GRANT PROGRAMS OF THE DEPARTMENT OF  
36 ECONOMIC DEVELOPMENT, URBAN DEVELOPMENT CORPORATION, JOB DEVELOPMENT  
37 AUTHORITY, AND THE OFFICE OF SCIENCE, TECHNOLOGY AND ACADEMIC RESEARCH  
38 SPECIAL TERMS AND CONDITIONS FOR VIABLE AREA PROJECTS AND PROGRAMS.

39 17. AWARD PREFERENCE TO BE GIVEN TO APPLICATIONS SUBMITTED BY OR ON  
40 BEHALF OF AREAS FOR ENTREPRENEURIAL ASSISTANCE PROGRAMS UNDER ARTICLE  
41 NINE OF THE ECONOMIC DEVELOPMENT LAW TO SUPPORT THE CREATION OF NEW  
42 ENTREPRENEURIAL DEVELOPMENT AND ENTREPRENEURIAL SUPPORT CENTERS.

43 18. COORDINATE WITH THE URBAN DEVELOPMENT CORPORATION THE CREATION OF  
44 A SPECIAL CATEGORY OF ASSISTANCE FOR AREAS WITHIN THE REGIONAL ECONOMIC  
45 DEVELOPMENT PARTNERSHIP PROGRAM, WHICH WILL MAKE AVAILABLE ECONOMIC  
46 DEVELOPMENT ASSISTANCE GRANTS FOR AREA PROGRAMS AND ACTIVITIES, INCLUD-  
47 ING, BUT NOT LIMITED TO, PLANNING, SERVICE COORDINATION, AND LOCAL  
48 INSTITUTIONAL CAPACITY BUILDING FOR HUMAN RESOURCE DEVELOPMENT NECESSARY  
49 FOR ECONOMIC REVITALIZATION; PLANNING AND DEVELOPMENT OF SMALL BUSINESS  
50 INCUBATORS; JOB PLACEMENT AND PREPAREDNESS PROGRAMS FOR AREA RESIDENTS;  
51 EDUCATION AND TRAINING PROGRAMS FOR AREA BUSINESSES; CHILD CARE PROGRAMS  
52 AND PROJECTS SUPPORTIVE OF BUSINESS DEVELOPMENT; TECHNICAL ASSISTANCE  
53 FOR MINORITY AND WOMEN-OWNED BUSINESS DEVELOPMENT; TRAINING FOR AREA  
54 OFFICIALS; BUSINESS AND TOURISM DEVELOPMENT AND MARKETING PROGRAMS; AND  
55 OTHER INNOVATIVE PROGRAMS AND ACTIVITIES IN SUPPORT OF ECONOMIC AND  
56 COMMUNITY DEVELOPMENT WITHIN THE AREAS.

1 19. ASSIST IN THE DEVELOPMENT OF A PLAN, IN COORDINATION WITH THE  
2 HEALTH AND INSURANCE DEPARTMENTS, AND THE COUNCIL ON THE ARTS, TO ASSIST  
3 AREAS IN OBTAINING AFFORDABLE EMPLOYEE HEALTH INSURANCE FOR ARTS CORPO-  
4 RATIONS LOCATED WITHIN THE AREA.

5 S 6.09. NEW YORK STATE CULTURAL DEVELOPMENT AREAS ADVISORY COUNCIL.  
6 THERE IS HEREBY ESTABLISHED THE NEW YORK STATE CULTURAL DEVELOPMENT  
7 AREAS ADVISORY COUNCIL, TO BE COMPRISED OF ELEVEN MEMBERS APPOINTED BY  
8 THE GOVERNOR. MEMBERS OF THE COUNCIL SHALL INCLUDE: THE COMMISSIONER OR  
9 HIS OR HER DESIGNEE; THE CHAIRPERSON OF THE NEW YORK STATE COUNCIL ON  
10 THE ARTS OR HIS OR HER DESIGNEE; THE CHAIRPERSON OF THE NEW YORK STATE  
11 TOURISM ADVISORY COUNCIL OR HIS OR HER DESIGNEE; THREE MEMBERS SHALL BE  
12 APPOINTED UPON THE RECOMMENDATION OF THE TEMPORARY PRESIDENT OF THE  
13 SENATE; ONE MEMBER SHALL BE APPOINTED UPON THE RECOMMENDATION OF THE  
14 MINORITY LEADER OF THE SENATE; THREE MEMBERS SHALL BE APPOINTED UPON THE  
15 RECOMMENDATION OF THE SPEAKER OF THE ASSEMBLY; AND ONE MEMBER SHALL BE  
16 APPOINTED UPON THE RECOMMENDATION OF THE MINORITY LEADER OF THE ASSEM-  
17 BLY. THE MEMBERS OF THE COUNCIL SHALL SERVE FOR TERMS OF TWO YEARS,  
18 PROVIDED, HOWEVER, THAT OF THE MEMBERS FIRST APPOINTED, SIX SHALL SERVE  
19 FOR TWO YEARS AND FIVE SHALL SERVE FOR THREE YEARS. MEMBERS SHALL  
20 RECEIVE NO COMPENSATION FOR THEIR SERVICES, BUT SHALL BE ALLOWED THEIR  
21 ACTUAL, NECESSARY EXPENSES INCURRED IN THE PERFORMANCE OF THEIR DUTIES  
22 AS COUNCIL MEMBERS. THE GOVERNOR SHALL DESIGNATE A CHAIRPERSON FROM THE  
23 MEMBERS OF THE COUNCIL. THE MEMBERS OF THE COUNCIL SHALL ELECT ONE  
24 PERSON TO SERVE AS THE VICE-CHAIRPERSON. THE VICE-CHAIRPERSON SHALL  
25 REPRESENT THE COUNCIL IN THE ABSENCE OF THE CHAIRPERSON AT ALL OFFICIAL  
26 COUNCIL FUNCTIONS. IN APPOINTING MEMBERS TO THE COUNCIL, THE GOVERNOR  
27 SHALL ENSURE THAT SUCH MEMBERS INCLUDE REPRESENTATIVES OF ORGANIZATIONS  
28 OF ARTS AND CULTURAL RELATED INDUSTRIES IN THE STATE, REPRESENTATIVES  
29 WITH DISTINGUISHED ECONOMIC DEVELOPMENT BACKGROUNDS, AND REPRESENTATIVES  
30 IN THE TOURISM INDUSTRY IN THE STATE. THE COUNCIL SHALL MEET AT LEAST  
31 QUARTERLY, AT THE CALL OF THE COMMISSIONER OR AT THE CALL OF THE CHAIR  
32 OF THE COUNCIL. THE DEPARTMENT AND THE STATE COUNCIL ON THE ARTS SHALL  
33 PROVIDE TO THE COUNCIL ANY ASSISTANCE NECESSARY. THE PURPOSE OF THE  
34 COUNCIL SHALL BE TO ADVISE LOCAL GOVERNMENTS ON APPLICATION FOR CULTURAL  
35 DEVELOPMENT AREAS, TO PROVIDE ASSISTANCE IN COMPLETING AN APPLICATION  
36 FOR DESIGNATION OF A CDA (INCLUDING AIDING APPLICANTS IN RECTIFYING AN  
37 APPLICATION WHICH HAS NOT BEEN APPROVED BY THE COMMISSIONER), AND TO  
38 MAKE RECOMMENDATIONS TO THE DEPARTMENT ON CULTURAL DEVELOPMENT AREAS. IN  
39 CARRYING OUT ITS RESPONSIBILITIES PURSUANT TO THIS SECTION, THE COUNCIL  
40 SHALL ASSIST THE DEPARTMENT IN OBTAINING ANY INFORMATION AS MAY BE  
41 NECESSARY FOR APPROVING A CULTURAL DEVELOPMENT AREA.

42 S 6.10. NEW YORK STATE CULTURAL DEVELOPMENT AREAS EVALUATION. THE  
43 COMMISSIONER SHALL CONTRACT WITH A STATEWIDE ARTS ORGANIZATION ENTITY  
44 INDEPENDENT OF THE DEPARTMENT, AS REQUIRED BY THIS ARTICLE, TO CONDUCT  
45 AND SUBMIT TO THE GOVERNOR AND THE LEGISLATURE BY NO LATER THAN DECEMBER  
46 THIRTY-FIRST, TWO THOUSAND ELEVEN, A COMPREHENSIVE EVALUATION OF THE  
47 PERFORMANCE OF THE AREAS PROGRAM AND OF INDIVIDUAL AREAS ON MEETING  
48 CRITERIA ESTABLISHED PURSUANT TO THIS ARTICLE. THE EVALUATION SHALL  
49 INCLUDE, BUT NOT BE LIMITED TO, THE FOLLOWING:

50 1. WHETHER QUANTIFIABLE BENEFITS ATTRIBUTABLE TO THE PROGRAM JUSTIFY  
51 ITS DIRECT COSTS TO THE STATE AND PARTICIPATING LOCALITIES.

52 2. WHETHER THE PROGRAM HAS CONTRIBUTED TO THE ECONOMIC REVITALIZATION  
53 OF THE AREAS BY STIMULATING:

54 (A) THE CREATION AND RETENTION OF PERMANENT, FULL-TIME, QUALITY JOBS,  
55 AS MEASURED ON A FULL-TIME EQUIVALENCY BASIS;

1 (B) THE CREATION, LOCATION AND EXPANSION OF ARTS CORPORATIONS,  
2 CULTURAL FACILITIES, AND ANCILLARY BUSINESSES AND SERVICES IN THE AREAS;

3 (C) CAPITAL AND HUMAN RESOURCE INVESTMENTS BY AREA ENTITIES, INCLUDING  
4 ARTS CORPORATIONS, CULTURAL FACILITIES, AND ANCILLARY BUSINESSES AND  
5 SERVICES, AND BUSINESS DEVELOPMENT, INCLUDING TOURISM DEVELOPMENT, WITH-  
6 IN THE AREAS AND THE SURROUNDING AREAS; AND

7 (D) PUBLIC AND PRIVATE INVESTMENTS IN AREA ENTITIES, INCLUDING ARTS  
8 CORPORATIONS, CULTURAL FACILITIES, AND ANCILLARY BUSINESSES AND  
9 SERVICES, AND ECONOMIC AND COMMUNITY DEVELOPMENT ACTIVITIES IMPORTANT  
10 FOR ECONOMIC REVITALIZATION.

11 3. WHETHER THE PROGRAM HAS CREATED EMPLOYMENT AND ARTS CORPORATIONS,  
12 CULTURAL FACILITIES, AND ANCILLARY BUSINESSES AND SERVICES DEVELOPMENT  
13 OPPORTUNITIES FOR RESIDENTS OF THE AREAS AND JOB TRAINING OPPORTUNITIES  
14 FOR RESIDENTS AND EMPLOYEES OF SUCH AREA ENTITIES.

15 4. WHETHER THE PROGRAM HAS:

16 (A) RESULTED IN NEW AND IMPROVED LOCAL ADMINISTRATIVE CAPACITY WITHIN  
17 THE AREAS TO PLAN FOR AND CAPTURE ECONOMIC OPPORTUNITIES AND DELIVER AND  
18 COORDINATE ECONOMIC, COMMUNITY AND HUMAN RESOURCE DEVELOPMENT SERVICES,  
19 AND

20 (B) INCREASED COMMITMENTS OF LOCAL RESOURCES TO AREA REVITALIZATION,  
21 INCLUDING SUPPORT FROM THE BUSINESS COMMUNITY.

22 5. WHETHER THE PROGRAM HAS STIMULATED ASSISTANCE FROM STATE, FEDERAL  
23 AND OTHER ECONOMIC, COMMUNITY AND HUMAN RESOURCE DEVELOPMENT PROGRAMS  
24 RELATIVE TO OTHER AREAS AND IMPROVED THE DELIVERY AND COORDINATION OF  
25 STATE SERVICES TO THE AREAS.

26 6. WHETHER THE PROGRAM IS BEING MANAGED AND EVALUATED EFFECTIVELY AT  
27 STATE AND LOCAL LEVELS.

28 S 6.11. SPECIAL PROVISIONS RELATING TO CULTURAL DEVELOPMENT AREAS.  
29 BENEFITS PROVIDED TO ENTITIES AND ACTIVITIES WITHIN A CULTURAL DEVELOP-  
30 MENT AREA INCLUDE THE FOLLOWING:

31 1. REAL PROPERTY TAXES. A CULTURAL FACILITY PROJECT IN A CULTURAL  
32 DEVELOPMENT AREA SHALL BE ELIGIBLE FOR A REAL PROPERTY TAX EXEMPTION  
33 PURSUANT TO SECTION FOUR HUNDRED EIGHTY-FIVE-E OF THE REAL PROPERTY TAX  
34 LAW, AS IF SUCH PROJECT WERE REAL PROPERTY CONSTRUCTED, ALTERED,  
35 INSTALLED OR IMPROVED IN AN EMPIRE ZONE. SOLELY FOR PURPOSES OF BENEFITS  
36 PROVIDED PURSUANT TO THIS ARTICLE, AND ANY OTHER PROVISION OF ANY OTHER  
37 LAW TO THE CONTRARY NOTWITHSTANDING, THE TERM "EMPIRE ZONE" IN SUCH  
38 SECTION FOUR HUNDRED EIGHTY-FIVE-E SHALL BE DEEMED TO INCLUDE A CULTURAL  
39 DEVELOPMENT AREA, AND REAL PROPERTY ELIGIBLE FOR SUCH EXEMPTION SHALL BE  
40 LIMITED TO A CULTURAL FACILITY, AS DEFINED IN SECTION 6.03 OF THIS ARTI-  
41 CLE.

42 2. CERTAIN UTILITY TAXES. AN ARTS CORPORATION, A CULTURAL FACILITY  
43 PROJECT, OR A PARTNERSHIP IN WHICH AN ARTS CORPORATION IS A PARTNER IN A  
44 CULTURAL DEVELOPMENT AREA SHALL BE ELIGIBLE FOR THE REDUCTION IN UTILITY  
45 COSTS OF NON-RETAIL BUSINESS CUSTOMERS AND A CORRELATIVE TAX CREDIT  
46 PROVIDED TO NON-RETAIL BUSINESS CUSTOMERS IN AN EMPIRE ZONE PURSUANT TO  
47 SUBDIVISION EIGHT OF SECTION ONE HUNDRED EIGHTY-SIX-A OF THE TAX LAW.  
48 SOLELY FOR PURPOSES OF BENEFITS PROVIDED PURSUANT TO THIS ARTICLE, AND  
49 ANY OTHER PROVISION OF ANY OTHER LAW TO THE CONTRARY NOTWITHSTANDING,  
50 THE TERM "EMPIRE ZONE" IN SUCH SECTION ONE HUNDRED EIGHTY-SIX-A OF THE  
51 TAX LAW SHALL BE DEEMED TO INCLUDE A CULTURAL DEVELOPMENT AREA, AND  
52 NON-RETAIL BUSINESS CUSTOMERS ELIGIBLE FOR SUCH EXEMPTION SHALL BE  
53 LIMITED TO AND SHALL MEAN AND INCLUDE AN ARTS CORPORATION, A CULTURAL  
54 FACILITY PROJECT, OR ANCILLARY BUSINESS AND SERVICES, AS DEFINED IN  
55 SECTION 6.03 OF THIS ARTICLE, WITHOUT REGARD TO WHETHER SUCH ENTITY IS  
56 RETAIL OR NON-RETAIL.

1 3. INVESTMENT TAX CREDIT AND EMPLOYMENT INCENTIVE CREDIT. AN ARTS  
2 CORPORATION OR A CULTURAL FACILITY PROJECT IN A CULTURAL DEVELOPMENT  
3 AREA SHALL BE ELIGIBLE FOR CREDITS AGAINST THE TAX IMPOSED UNDER ARTICLE  
4 NINE-A OF THE TAX LAW (FRANCHISE TAX), BASED ON INVESTMENTS IN CERTAIN  
5 ELIGIBLE PROPERTY IN A CULTURAL DEVELOPMENT AREA, TO THE EXTENT THAT A  
6 TAXPAYER WOULD BE ELIGIBLE FOR CREDITS AGAINST THE TAX IMPOSED UNDER  
7 ARTICLE NINE-A OF THE TAX LAW, BASED ON INVESTMENTS IN CERTAIN ELIGIBLE  
8 PROPERTY IN AN EMPIRE ZONE, PURSUANT TO SUBDIVISIONS TWELVE-B AND  
9 TWELVE-C OF SECTION TWO HUNDRED TEN OF THE TAX LAW. SOLELY FOR PURPOSES  
10 OF BENEFITS PROVIDED PURSUANT TO THIS ARTICLE, AND ANY OTHER PROVISION  
11 OF ANY OTHER LAW TO THE CONTRARY NOTWITHSTANDING, THE TERM "EMPIRE ZONE"  
12 USED IN SUCH SUBDIVISIONS TWELVE-B AND TWELVE-C OF SECTION TWO HUNDRED  
13 TEN OF THE TAX LAW SHALL BE DEEMED TO INCLUDE A CULTURAL DEVELOPMENT  
14 AREA, AND TAXPAYERS ELIGIBLE FOR SUCH CREDIT SHALL BE LIMITED TO AND  
15 SHALL MEAN AND INCLUDE AN ARTS CORPORATION, A CULTURAL FACILITY PROJECT,  
16 OR A PARTNERSHIP IN WHICH THE ARTS CORPORATION IS A PARTNER, AS DEFINED  
17 IN SECTION 6.03 OF THIS ARTICLE.

18 4. INVESTMENT TAX CREDIT. AN ARTS CORPORATION OR A CULTURAL FACILITY  
19 PROJECT IN A CULTURAL DEVELOPMENT AREA SHALL BE ELIGIBLE FOR A CREDIT  
20 AGAINST THE TAX IMPOSED UNDER ARTICLE TWENTY-TWO OF THE TAX LAW  
21 (PERSONAL INCOME TAX), BASED ON INVESTMENTS IN CERTAIN ELIGIBLE PROPERTY  
22 IN SUCH CULTURAL DEVELOPMENT AREA TO THE EXTENT THAT A TAXPAYER WOULD BE  
23 ELIGIBLE FOR A CREDIT BASED ON INVESTMENTS IN CERTAIN ELIGIBLE PROPERTY  
24 IN AN EMPIRE ZONE PURSUANT TO SUBSECTION (J) OF SECTION SIX HUNDRED SIX  
25 OF THE TAX LAW. SOLELY FOR PURPOSES OF COMPUTING BENEFITS PROVIDED  
26 PURSUANT TO THIS ARTICLE, AND ANY OTHER PROVISION OF ANY OTHER LAW TO  
27 THE CONTRARY NOTWITHSTANDING, THE TERM "EMPIRE ZONE" USED IN SUCH  
28 SUBSECTION (J) OF SECTION SIX HUNDRED SIX OF THE TAX LAW SHALL BE DEEMED  
29 TO INCLUDE A CULTURAL DEVELOPMENT AREA, AND TAXPAYERS ELIGIBLE FOR SUCH  
30 CREDIT SHALL BE LIMITED TO AND SHALL MEAN AND INCLUDE AN ARTS CORPO-  
31 RATION, A CULTURAL FACILITY PROJECT, OR A PARTNERSHIP IN WHICH THE ARTS  
32 CORPORATION IS A PARTNER, AS DEFINED IN SECTION 6.03 OF THIS ARTICLE.

33 5. WAGE TAX CREDIT. AN ARTS CORPORATION OR A CULTURAL FACILITY PROJECT  
34 IN A CULTURAL DEVELOPMENT AREA SHALL BE ELIGIBLE FOR CREDITS AGAINST THE  
35 TAXES IMPOSED UNDER ARTICLES NINE-A (FRANCHISE TAX), TWENTY-TWO  
36 (PERSONAL INCOME TAX), THIRTY-TWO (FRANCHISE TAX ON BANKING CORPO-  
37 RATIONS) AND THIRTY-THREE (FRANCHISE TAX ON INSURANCE CORPORATIONS) OF  
38 THE TAX LAW, BASED ON WAGES PAID TO CERTAIN EMPLOYEES BY SUCH ARTS  
39 CORPORATION, A CULTURAL FACILITY PROJECT, OR ANCILLARY BUSINESS AND  
40 SERVICES TO THE EXTENT THAT A BUSINESS LOCATED IN AN EMPIRE ZONE OR IN  
41 AN EQUIVALENT AREA WOULD BE ELIGIBLE FOR CREDITS AGAINST THE TAXES  
42 IMPOSED UNDER ARTICLES NINE-A, TWENTY-TWO, THIRTY-TWO AND THIRTY-THREE  
43 OF THE TAX LAW, BASED ON WAGES PAID TO CERTAIN EMPLOYEES EMPLOYED BY IT  
44 PURSUANT TO SUBDIVISION NINETEEN OF SECTION TWO HUNDRED TEN, SUBSECTION  
45 (K) OF SECTION SIX HUNDRED SIX, SUBSECTION (E) OF SECTION FOURTEEN  
46 HUNDRED FIFTY-SIX AND SUBDIVISION (G) OF SECTION FIFTEEN HUNDRED ELEVEN,  
47 RESPECTIVELY, OF THE TAX LAW. SOLELY FOR PURPOSES OF COMPUTING BENEFITS  
48 PROVIDED PURSUANT TO THIS ARTICLE, AND ANY OTHER PROVISION OF ANY OTHER  
49 LAW TO THE CONTRARY NOTWITHSTANDING, THE TERM "EMPIRE ZONE" USED IN SUCH  
50 SUBDIVISION NINETEEN OF SECTION TWO HUNDRED TEN, SUBSECTION (K) OF  
51 SECTION SIX HUNDRED SIX, SUBSECTION (E) OF SECTION FOURTEEN HUNDRED  
52 FIFTY-SIX AND SUBDIVISION (G) OF SECTION FIFTEEN HUNDRED ELEVEN, RESPEC-  
53 TIVELY, OF THE TAX LAW SHALL BE DEEMED TO INCLUDE A CULTURAL DEVELOPMENT  
54 AREA, AND TAXPAYERS ELIGIBLE FOR SUCH CREDIT SHALL BE LIMITED TO AND  
55 SHALL MEAN AND INCLUDE AN ARTS CORPORATION, A CULTURAL FACILITY PROJECT,

1 OR A PARTNERSHIP IN WHICH THE ARTS CORPORATION IS A PARTNER, AS DEFINED  
2 IN SECTION 6.03 OF THIS ARTICLE.

3 6. SALES AND USE TAX. AN ARTS CORPORATION, A CULTURAL FACILITY  
4 PROJECT, OR A PARTNERSHIP OF WHICH AN ARTS CORPORATION IS A PARTNER IN A  
5 CULTURAL DEVELOPMENT AREA SHALL BE ELIGIBLE FOR REFUND OR CREDIT OF  
6 PAYMENTS OF CERTAIN TAXES IMPOSED UNDER ARTICLE TWENTY-EIGHT (SALES AND  
7 COMPENSATING USE TAXES) AND, AT LOCAL OPTION, PURSUANT TO THE AUTHORITY  
8 OF ARTICLE TWENTY-NINE (TAXES AUTHORIZED FOR CITIES, COUNTIES AND SCHOOL  
9 DISTRICTS) OF THE TAX LAW, WITH RESPECT TO PURCHASES OF MATERIALS USED  
10 IN CONSTRUCTING, EXPANDING OR REHABILITATING CERTAIN BUSINESS PROPERTY  
11 TO THE EXTENT THAT A BUSINESS LOCATED IN AN EMPIRE ZONE, WOULD BE ELIGI-  
12 BLE FOR REFUND OR CREDIT OF PAYMENTS OF SUCH TAXES PURSUANT TO SUBDIVI-  
13 SION (A) OF SECTION ELEVEN HUNDRED NINETEEN OF THE TAX LAW. SOLELY FOR  
14 PURPOSES OF COMPUTING BENEFITS PROVIDED PURSUANT TO THIS ARTICLE, AND  
15 ANY OTHER PROVISION OF ANY OTHER LAW TO THE CONTRARY NOTWITHSTANDING,  
16 THE TERM "EMPIRE ZONE" USED IN SUCH SUBDIVISION (A) OF SECTION ELEVEN  
17 HUNDRED NINETEEN OF THE TAX LAW SHALL BE DEEMED TO INCLUDE A CULTURAL  
18 DEVELOPMENT AREA, AND TAXPAYERS ELIGIBLE FOR SUCH REFUND OR CREDIT SHALL  
19 BE LIMITED TO AND SHALL MEAN AND INCLUDE AN ARTS CORPORATION, A CULTURAL  
20 FACILITY PROJECT, OR A PARTNERSHIP IN WHICH THE ARTS CORPORATION IS A  
21 PARTNER, AS DEFINED IN SECTION 6.03 OF THIS ARTICLE.

22 7. GAS OR ELECTRIC RATES. AN ARTS CORPORATION, A CULTURAL FACILITY  
23 PROJECT, OR A PARTNERSHIP OF WHICH AN ARTS CORPORATION IS A PARTNER IN A  
24 CULTURAL DEVELOPMENT AREA SHALL BE ELIGIBLE FOR AVAILABILITY OF SPECIAL  
25 RATES GOVERNING THE PROVISION OF GAS OR ELECTRIC SERVICE TO THE EXTENT  
26 AND FOR THE DURATION THAT A BUSINESS ENTERPRISE WOULD BE ELIGIBLE FOR  
27 EMPIRE ZONE RATES GOVERNING THE PROVISION OF GAS OR ELECTRIC SERVICE  
28 PURSUANT TO SUBDIVISION TWELVE-C OF SECTION SIXTY-SIX OF THE PUBLIC  
29 SERVICE LAW. SOLELY FOR PURPOSES OF COMPUTING SUCH RATES PURSUANT TO  
30 THIS ARTICLE, AND ANY OTHER PROVISION OF ANY OTHER LAW TO THE CONTRARY  
31 NOTWITHSTANDING, THE TERM "EMPIRE ZONE" USED IN SUCH SUBDIVISION  
32 TWELVE-C OF SECTION SIXTY-SIX OF THE PUBLIC SERVICE LAW SHALL BE DEEMED  
33 TO INCLUDE A CULTURAL DEVELOPMENT AREA, AND ENTERPRISES ELIGIBLE FOR  
34 SUCH RATES SHALL BE LIMITED TO AND SHALL MEAN AND INCLUDE AN ARTS CORPO-  
35 RATION, A CULTURAL FACILITY PROJECT, OR A PARTNERSHIP IN WHICH THE ARTS  
36 CORPORATION IS A PARTNER, AS DEFINED IN SECTION 6.03 OF THIS ARTICLE.

37 8. CAPITAL CORPORATION. A TAXPAYER MAKING QUALIFIED INVESTMENTS IN OR  
38 CONTRIBUTIONS TO CULTURAL DEVELOPMENT AREA CAPITAL CORPORATIONS SHALL BE  
39 ELIGIBLE FOR CREDITS AGAINST THE TAX IMPOSED UNDER ARTICLES NINE-A  
40 (FRANCHISE TAX), TWENTY-TWO (PERSONAL INCOME TAX), THIRTY-TWO (FRANCHISE  
41 TAX ON BANKING CORPORATIONS) AND THIRTY-THREE (FRANCHISE TAXES ON INSUR-  
42 ANCE CORPORATIONS) OF THE TAX LAW, TO THE EXTENT THAT A TAXPAYER MAKING  
43 SIMILAR QUALIFIED INVESTMENTS IN OR CONTRIBUTIONS TO EMPIRE ZONE CAPITAL  
44 CORPORATIONS WOULD BE ELIGIBLE FOR SUCH CREDITS PURSUANT TO SUBDIVISION  
45 TWENTY OF SECTION TWO HUNDRED TEN, SUBSECTION (L) OF SECTION SIX HUNDRED  
46 SIX, SUBSECTION (D) OF SECTION FOURTEEN HUNDRED FIFTY-SIX, AND SUBDIVI-  
47 SION (H) OF SECTION FIFTEEN HUNDRED ELEVEN OF THE TAX LAW. SOLELY FOR  
48 PURPOSES OF COMPUTING SUCH RATES PURSUANT TO THIS ARTICLE, AND ANY OTHER  
49 PROVISION OF ANY OTHER LAW TO THE CONTRARY NOTWITHSTANDING, THE TERM  
50 "EMPIRE ZONE CAPITAL CORPORATION" USED IN SUCH SUBDIVISION TWENTY OF  
51 SECTION TWO HUNDRED TEN, SUBSECTION (L) OF SECTION SIX HUNDRED SIX,  
52 SUBSECTION (D) OF SECTION FOURTEEN HUNDRED FIFTY-SIX, AND SUBDIVISION  
53 (H) OF SECTION FIFTEEN HUNDRED ELEVEN OF THE TAX LAW SHALL BE DEEMED TO  
54 MEAN AND INCLUDE A CULTURAL DEVELOPMENT AREA CAPITAL CORPORATION.

1 S 6.12. DIVISION OF TAXES BY GOVERNMENTAL BODIES. 1. THE GOVERNING  
2 BOARD OF ANY CITY, TOWN, VILLAGE OR COUNTY IN WHICH A CULTURAL DEVELOP-  
3 MENT AREA IS LOCATED IS HEREBY AUTHORIZED AND EMPOWERED TO:

4 (A) ADOPT A LOCAL LAW PROVIDING THAT ANY TAXES LEVIED BY OR ON BEHALF  
5 OF SUCH CITY, TOWN, VILLAGE OR COUNTY UPON TAXABLE REAL PROPERTY IN SUCH  
6 AREA SHALL BE DIVIDED BASED ON THE AREA'S ORIGINAL TAXABLE VALUE AND ITS  
7 INCREMENTAL VALUE AS DETERMINED IN SUBDIVISIONS THREE AND SIX OF THIS  
8 SECTION, PROVIDED HOWEVER, THAT NO CITY, TOWN, VILLAGE OR COUNTY MAY  
9 ADOPT A LOCAL LAW PROVIDING FOR SUCH A DIVISION OF TAXES IF:

10 (I) THE ORIGINAL TAXABLE VALUE OF THE AREA INVOLVED EXCEEDS A FIGURE  
11 EQUAL TO TWENTY PERCENT OF THE TOTAL ASSESSED VALUE OF THAT MUNICI-  
12 PALITY, EXCLUSIVE OF ANY INCREMENTAL VALUES FOR SUCH AREAS; OR

13 (II) THE LAND AREA OF THE AREA INVOLVED EXCEEDS A FIGURE EQUAL TO  
14 TWENTY PERCENT OF THE TOTAL LAND AREA OF THE MUNICIPALITY.

15 (B) ADOPT A LOCAL LAW ESTABLISHING A SPECIAL CULTURAL DEVELOPMENT AREA  
16 TAX INCREMENT FUND AND PROVIDING FOR THE DEPOSIT OF MONEYS INTO SUCH  
17 FUND PURSUANT TO SUBDIVISION SEVEN OF THIS SECTION.

18 2. IN NO EVENT SHALL THE DIVISION OF TAXES PURSUANT TO THIS SECTION BE  
19 CONSTRUED AS RELIEVING PROPERTY OWNERS WITHIN THE DESIGNATED AREA OF  
20 THEIR OBLIGATION FOR PAYING THE TAXES, IF ANY, LEVIED UPON THE ASSESSED  
21 VALUE OF THEIR TAXABLE REAL PROPERTY.

22 3. AS SOON AS POSSIBLE AFTER ANY LOCAL LEGISLATIVE BODY HAS ADOPTED A  
23 LOCAL LAW AS PROVIDED FOR IN PARAGRAPH (A) OF SUBDIVISION ONE OF THIS  
24 SECTION, THE ASSESSOR WHO PREPARES THE ASSESSMENT ROLL USED FOR THE LEVY  
25 OF SUCH COUNTY, CITY, TOWN AND VILLAGE TAXES SHALL CERTIFY THE "ORIGINAL  
26 TAXABLE VALUE" OF EACH LOT AND PARCEL OF TAXABLE REAL PROPERTY IN THE  
27 AREA INVOLVED. FOR THE PURPOSES OF THIS SECTION, "ORIGINAL TAXABLE  
28 VALUE" SHALL BE THE ASSESSED VALUE AS OF THE LAST TAXABLE STATUS DATE  
29 BEFORE THE DATE ON WHICH A LOCAL LAW AUTHORIZING THE DIVISION OF TAXES  
30 WAS ADOPTED.

31 4. WHENEVER ANY PROPERTY IN SUCH AN AREA IS OWNED BY THE CITY, TOWN,  
32 VILLAGE OR COUNTY INVOLVED AND IS LEASED TO ANY PERSON OR PERSONS, SUCH  
33 PROPERTY SHALL BE ASSESSED AND TAXED IN THE SAME MANNER AS PRIVATELY  
34 OWNED PROPERTY, AND THE LEASE OR CONTRACT BETWEEN THE CITY, TOWN,  
35 VILLAGE OR COUNTY INVOLVED AND SUCH PERSON OR PERSONS SHALL PROVIDE THAT  
36 THE LESSEE SHALL PAY TAXES UPON THE ASSESSED VALUE OF THE ENTIRE PROPER-  
37 TY AND NOT MERELY UPON THE ASSESSED VALUE OF HIS, HER OR ITS LEASEHOLD  
38 INTEREST.

39 5. IN EACH YEAR SUBSEQUENT TO THE DETERMINATION OF THE ORIGINAL TAXA-  
40 BLE VALUE OF EACH LOT AND PARCEL OF TAXABLE REAL PROPERTY IN SUCH AN  
41 AREA THE ASSESSOR SHALL COMPUTE AND CERTIFY THE NET AMOUNT BY WHICH THE  
42 TAXABLE VALUE OF ALL SUCH LOTS AND PARCELS HAS INCREASED OR DECREASED IN  
43 COMPARISON WITH THE ORIGINAL TAXABLE VALUE OF ALL SUCH LOTS AND PARCELS.  
44 THE NET AMOUNT OF THE INCREASE OR DECREASE IS REFERRED TO IN THIS  
45 SECTION AS THE "INCREMENTAL VALUE" OR THE "LOST VALUE" FOR THAT YEAR, AS  
46 THE CASE MAY BE.

47 6. IN ANY YEAR WHEN THERE IS AN INCREMENTAL VALUE, THE TAX LEVYING  
48 BODY SHALL EXTEND THE TAXES OF EACH CITY, TOWN, VILLAGE OR COUNTY, WHICH  
49 HAS ADOPTED A LOCAL LAW PURSUANT TO THIS SECTION, AGAINST THE INCRE-  
50 MENTAL VALUE AS WELL AS THE ORIGINAL TAXABLE VALUE, AND THE AMOUNT OF  
51 TAXES RECEIVED FROM SUCH EXTENSION AGAINST THE INCREMENTAL VALUE IS  
52 REFERRED TO IN THIS SECTION AS THE TAX INCREMENT FOR THAT YEAR.

53 7. THE CITY, TOWN, VILLAGE OR COUNTY OFFICIAL RESPONSIBLE FOR RECEIV-  
54 ING REAL PROPERTY TAX PAYMENTS SHALL SEGREGATE EACH YEAR ALL TAX INCRE-  
55 MENTS FROM THE DESIGNATED AREA AND TRANSMIT SUCH INCREMENTS TO THE CITY,  
56 TOWN, VILLAGE OR COUNTY TREASURER WHO SHALL DEPOSIT SUCH MONIES IN A

1 SPECIAL CULTURAL DEVELOPMENT AREA TAX INCREMENT FUND FROM WHICH THE  
2 LOCAL LEGISLATIVE BODY MAY AUTHORIZE PAYMENTS FOR INFRASTRUCTURE  
3 IMPROVEMENTS AUTHORIZED IN SUCH MUNICIPALITY'S CULTURAL DEVELOPMENT AREA  
4 DEVELOPMENT PLAN FOR THE AREA INVOLVED.

5 8. IN THE EVENT THAT ANY STATE OR LOCAL LAW GOVERNING THE CLASSIFICA-  
6 TION OF REAL PROPERTY AND THEREBY DETERMINING THE PERCENTAGE OF MARKET  
7 VALUE TO BE ASSESSED FOR REAL PROPERTY TAXATION PURPOSES IS AMENDED  
8 HEREAFTER, THE INCREASE OR DECREASE IN ASSESSED VALUATION RESULTING  
9 THEREFROM SHALL BE APPLIED PROPORTIONATELY IN EACH YEAR THEREAFTER TO  
10 THE ORIGINAL TAXABLE VALUE AND INCREMENTAL VALUE OF THE AREA INVOLVED.

11 9. THE LOCAL LEGISLATIVE BODY OF THE CITY, TOWN, VILLAGE OR COUNTY OR  
12 ITS DESIGNATED AGENCY MAY INVEST ANY FUNDS IN THE SPECIAL CULTURAL  
13 DEVELOPMENT AREA TAX INCREMENT FUND NOT REQUIRED FOR IMMEDIATE DISBURSE-  
14 MENT, IN PROPERTY OR SECURITIES IN WHICH PUBLIC BODIES MAY INVEST FUNDS  
15 SUBJECT TO THEIR CONTROL.

16 10. IN ANY YEAR WHEN THERE IS A LOST VALUE, THE PROVISIONS OF THIS  
17 SECTION SHALL NOT APPLY.

18 S 6.13. CULTURAL DEVELOPMENT AREA CAPITAL CORPORATIONS. 1. NO MORE  
19 THAN THREE CULTURAL DEVELOPMENT AREA CAPITAL CORPORATIONS MAY BE ESTAB-  
20 LISHED IN EACH CULTURAL DEVELOPMENT AREA FOR THE PURPOSE OF RAISING  
21 FUNDS THROUGH PRIVATE AND PUBLIC GRANTS, DONATIONS OR INVESTMENTS, TO BE  
22 USED IN MAKING INVESTMENTS IN, AND LOANS TO, ENTITIES CERTIFIED PURSUANT  
23 TO THIS ARTICLE. AN AREA CAPITAL CORPORATION MAY SERVE ONE OR MORE AREAS  
24 WITHIN AN ECONOMIC DEVELOPMENT REGION OR AREAS WITHIN TWO OR MORE  
25 REGIONS. PRIOR TO THE ESTABLISHMENT OF AN AREA CAPITAL CORPORATION, THE  
26 AREA BOARD AND THE COMMISSIONER SHALL APPROVE THE FORMATION OF THE  
27 PROPOSED AREA CAPITAL CORPORATION, ITS BOARD OF DIRECTORS AND MANAGE-  
28 MENT, AND ITS PROCEDURES FOR MAKING, SERVICING AND MONITORING INVEST-  
29 MENTS. IN NO EVENT, HOWEVER, SHALL A CAPITAL CORPORATION ACQUIRE AN  
30 OWNERSHIP INTEREST IN ANY CERTIFIED ENTITY WHICH AMOUNTS TO MORE THAN  
31 TWENTY-FIVE PERCENT OF THE OWNERSHIP INTEREST OF SUCH ENTITY. NO LOAN TO  
32 OR INVESTMENT IN ANY ENTITY SHALL BE MADE BY A CAPITAL CORPORATION  
33 LOCATED IN AN AREA WITHIN A TOWN WITH A POPULATION OF MORE THAN TWENTY-  
34 FIVE THOUSAND, UNTIL SUCH CORPORATION HAS ACCUMULATED AT LEAST TWO  
35 HUNDRED THOUSAND DOLLARS IN CAPITAL STOCK. NO LOAN OR INVESTMENT IN ANY  
36 ENTITY SHALL BE MADE BY A CAPITAL CORPORATION LOCATED IN AN AREA WITHIN  
37 A TOWN WITH A POPULATION OF LESS THAN TWENTY-FIVE THOUSAND UNTIL SUCH  
38 CORPORATION HAS ACCUMULATED AT LEAST ONE HUNDRED THOUSAND DOLLARS IN  
39 CAPITAL STOCK. AN AREA CAPITAL CORPORATION SHALL SUBMIT TO THE AREA  
40 BOARD AN ANNUAL REPORT ON ITS ACTIVITIES.

41 2. EACH AREA CAPITAL CORPORATION SHALL ESTABLISH AN INVESTMENT COMMIT-  
42 TEE FOR THE PURPOSE OF EVALUATING APPLICATIONS FOR LOANS AND EQUITY  
43 INVESTMENTS. EACH COMMITTEE SHALL BE COMPRISED OF MEMBERS WHO POSSESS  
44 THE REQUISITE BUSINESS AND FINANCIAL EXPERTISE NECESSARY TO EVALUATE  
45 APPLICATIONS FOR LOANS AND/OR EQUITY INVESTMENTS.

46 3. EACH AREA CAPITAL CORPORATION SHALL, TO THE MAXIMUM EXTENT FEASI-  
47 BLE, UNDERTAKE MEASURES AND PROCEDURES TO ENSURE MEANINGFUL PARTICI-  
48 PATION BY MINORITY-OWNED AND WOMEN-OWNED BUSINESS ENTERPRISES IN THE  
49 ACTIVITIES AND INVESTMENTS OF SUCH CORPORATION. EACH SUCH CORPORATION  
50 SHALL ADDITIONALLY, TO THE MAXIMUM EXTENT FEASIBLE, UNDERTAKE MEASURES  
51 AND PROCEDURES TO ENSURE MEANINGFUL PARTICIPATION BY LOCALLY OWNED BUSI-  
52 NESS ENTERPRISES IN THE ACTIVITIES AND INVESTMENTS OF SUCH CORPORATION.

53 4. THE TOTAL AMOUNT OF TAX CREDITS AVAILABLE TO EACH AREA PURSUANT TO  
54 SUBDIVISION TWENTY OF SECTION TWO HUNDRED TEN, SUBSECTION (1) OF SECTION  
55 SIX HUNDRED SIX, SUBSECTION (D) OF SECTION FOURTEEN HUNDRED FIFTY-SIX  
56 AND SUBDIVISION (H) OF SECTION FIFTEEN HUNDRED ELEVEN OF THE TAX LAW,

1 SHALL BE TWO MILLION FIVE HUNDRED THOUSAND DOLLARS, (PROVIDED, HOWEVER,  
2 THAT IN NO EVENT SHALL THE CREDITS AVAILABLE IN ANY AREA EXCEED FIVE  
3 HUNDRED THOUSAND DOLLARS IN THE CASE OF QUALIFIED INVESTMENTS IN CERTI-  
4 FIED ARTS CORPORATION).

5 5. APPORTIONMENT OF CREDITS WITHIN AN AREA BETWEEN CAPITAL INVESTMENTS  
6 IN AND CONTRIBUTIONS TO AREA CAPITAL CORPORATIONS, DIRECT INVESTMENTS IN  
7 CERTIFIED AREA BUSINESSES OR CONTRIBUTIONS TO COMMUNITY DEVELOPMENT  
8 PROJECTS WILL BE DETERMINED AND ACCOUNTED FOR BY THE LOCAL AREA ADMINIS-  
9 TRATIVE BOARD IN CONSULTATION WITH THE AREA ADMINISTRATIVE ENTITY,  
10 SUBJECT TO REGULATIONS PROMULGATED BY THE COMMISSIONER. CREDITS NOT USED  
11 BY AN AREA WITHIN FOUR YEARS OF THEIR APPORTIONMENT MAY, AFTER A PUBLIC  
12 HEARING, BE REALLOCATED PURSUANT TO SUCH REGULATIONS. CERTIFICATIONS  
13 UNDER SUBDIVISION TWENTY OF SECTION TWO HUNDRED TEN, SUBSECTION (1) OF  
14 SECTION SIX HUNDRED SIX, SUBSECTION (D) OF SECTION FOURTEEN HUNDRED  
15 FIFTY-SIX AND SUBDIVISION (H) OF SECTION FIFTEEN HUNDRED ELEVEN OF THE  
16 TAX LAW SHALL BE CONSISTENT WITH THE PROVISIONS OF THIS SUBDIVISION.

17 6. THE COMMISSIONER SHALL PROMULGATE REGULATIONS GOVERNING THE CRITE-  
18 RIA OF ELIGIBILITY FOR THE TAX CREDITS APPLICABLE TO DIRECT EQUITY  
19 INVESTMENTS IN CERTIFIED AREA ENTITIES AND TO CONTRIBUTIONS TO COMMUNITY  
20 DEVELOPMENT PROJECTS PROVIDED FOR IN THIS SECTION. SUCH REGULATIONS  
21 SHALL ESTABLISH REQUIREMENTS INCLUDING, BUT NOT LIMITED TO:

22 (A) A DEMONSTRATION THAT THE INVESTMENT WILL CONTRIBUTE, SIGNIFICANT-  
23 LY, TO AN ACTIVITY HAVING TANGIBLE ECONOMIC BENEFITS, SUCH AS START-UP,  
24 EXPANSION OR MODERNIZATION OF SUCH AREA ENTITY;

25 (B) A DEMONSTRATION THAT THE INVESTMENT WILL SIGNIFICANTLY CONTRIBUTE  
26 TO DEVELOPMENT, CONTINUATION, PRESERVATION, OR ENHANCEMENT OF ONE OR  
27 MORE ARTS AND CULTURAL CORPORATIONS;

28 (C) A DEMONSTRATION THAT THE INVESTMENT IS NECESSARY TO THE PRESERVA-  
29 TION OF CULTURAL HERITAGE;

30 (D) A DEMONSTRATION THAT THE DIRECT EQUITY INVESTMENT WILL LEAD TO  
31 DEVELOPMENT WITHIN THE AREA OF ADDITIONAL ARTS CORPORATIONS AND ANCIL-  
32 LARY BUSINESSES AND SERVICES, OR THE DEVELOPMENT OF INFRASTRUCTURE THAT  
33 WILL STIMULATE THE DEVELOPMENT OF AN ARTS COMMUNITY WITHIN THE CULTURAL  
34 DEVELOPMENT AREA;

35 (E) A DEMONSTRATION THAT THE CERTIFIED AREA ENTITY HAS THE POTENTIAL  
36 TO CREATE JOBS, MEASURES ON A FULL-TIME EQUIVALENCY BASIS; AND

37 (F) A DEMONSTRATION THAT THE DIRECT EQUITY INVESTMENT IS NECESSARY TO  
38 INCREASE THE AMOUNT OF CAPITAL AVAILABLE TO THE CERTIFIED AREA ENTITY,  
39 PROVIDED, HOWEVER, THAT SUCH INVESTMENT IS NOT INTENDED NOR SHALL IT BE  
40 USED TO REFINANCE EXISTING DEBT OR REPLACE EXISTING EQUITY IN SUCH AREA  
41 BUSINESS.

42 7. IN ADDITION TO THE DUTIES SET FORTH ELSEWHERE IN THIS ARTICLE, THE  
43 AREA ADMINISTRATIVE BOARD SHALL, CONSISTENT WITH THE REGULATIONS PROMUL-  
44 GATED BY THE COMMISSIONER, DETERMINE THE ELIGIBILITY OF DIRECT EQUITY  
45 INVESTMENTS IN CERTIFIED AREA ENTITIES AND CONTRIBUTIONS TO COMMUNITY  
46 CULTURAL DEVELOPMENT PROJECTS FOR THE TAX CREDITS AVAILABLE TO SUCH  
47 AREA. SUCH DETERMINATION BY THE AREA ADMINISTRATIVE BOARD SHALL BE  
48 SUBJECT TO REVIEW BY THE COMMISSIONER IN HIS OR HER DISCRETION. THE  
49 COMMISSIONER, UPON REVIEW OF AN AREA BOARD DETERMINATION MADE PURSUANT  
50 TO THIS SUBDIVISION, SHALL ACCEPT OR REJECT SUCH DETERMINATION AS MAY BE  
51 DEEMED APPROPRIATE.

52 S 6.14. APPROVAL OF CULTURAL DEVELOPMENT AREAS. 1. THE COMMISSIONER  
53 SHALL APPROVE THE DESIGNATION OF A CULTURAL DEVELOPMENT AREA IN WRITING  
54 WITHIN NINETY DAYS OF SUBMISSION TO HIM BY THE LOCAL GOVERNMENT FOR SUCH  
55 APPROVAL IF HE OR SHE SHALL FIND THAT THE AREA MEETS THE CRITERIA ESTAB-  
56 LISHED BY THIS ARTICLE FOR SUCH DESIGNATION. IF THE COMMISSIONER SHALL

1 FIND THAT THE APPLICATION DOES NOT MEET THE CRITERIA, HE SHALL RESPOND  
2 TO THE APPLICANT IN WRITING WITHIN SUCH NINETY DAY PERIOD STATING THE  
3 REASONS THE APPLICATION DOES NOT MEET THE CRITERIA AND IS NOT APPROVED.  
4 THE COMMISSIONER SHALL REFER AN APPLICATION THAT IS NOT APPROVED TO THE  
5 NEW YORK STATE ARTS AND CULTURAL DEVELOPMENT AREAS ADVISORY COUNCIL  
6 WHICH SHALL AID THE APPLICANT IN RECTIFYING THE APPLICATION. AN APPLICA-  
7 TION WHICH IS NOT APPROVED MAY BE RESUBMITTED AT ANY TIME.

8 2. A LOCAL GOVERNMENT SHALL SUBMIT WRITTEN DOCUMENTATION IN A FORM AND  
9 MANNER PRESCRIBED BY THE COMMISSIONER BY REGULATIONS PROMULGATED BY THE  
10 COMMISSIONER SHOWING THAT IT HAS MET SUCH CRITERIA. THE CHIEF EXECUTIVE  
11 OF THE LOCAL GOVERNMENT SHALL ENSURE THAT THE INFORMATION CONTAINED  
12 THEREIN, TO THE MAXIMUM EXTENT POSSIBLE, IS ACCURATE AND COMPLETE. EACH  
13 SUCH APPLICATION SHALL INCLUDE THE CDA PLAN AND ADDITIONALLY SHALL:

14 (A) INCLUDE EVIDENCE OF THE ADOPTION OF A CDA DEVELOPMENT PLAN BY THE  
15 LOCAL GOVERNING BODY OF THE AREA IN WHICH THE CDA IS TO BE LOCATED;

16 (B) IDENTIFY THE LOCAL CULTURAL DEVELOPMENT AREA CERTIFICATION OFFICER  
17 AND LOCAL CULTURAL DEVELOPMENT AREA ADMINISTRATIVE BOARD;

18 (C) INCLUDE A MAP OF THE AREA COMPRISING THE PROPOSED CULTURAL DEVEL-  
19 OPMENT AREA SHOWING EXISTING STREETS, HIGHWAYS, WATERWAYS, NATURAL BOUN-  
20 DARIES AND OTHER PHYSICAL FEATURES;

21 (D) INCLUDE EVIDENCE THAT THE APPLICANT HAS, TO THE MAXIMUM EXTENT  
22 FEASIBLE, SOLICITED AND CONSIDERED THE VIEWS OF RESIDENTS OF THE  
23 PROPOSED CDA AND THE LOCAL GOVERNMENTAL AND PRIVATE ORGANIZATIONS  
24 REPRESENTING SUCH RESIDENTS;

25 (E) INCLUDE A STATEMENT FROM THE PRIVATE INDUSTRY COUNCIL GOVERNING  
26 BOARD OF THE SERVICE DELIVERY AREA ESTABLISHED UNDER THE JOB TRAINING  
27 PARTNERSHIP ACT (P.L. 97-300, AS AMENDED) THAT ENCOMPASSES THE PROPOSED  
28 CDA SETTING FORTH THE ASSISTANCE TO BE PROVIDED AND THE RESOURCES TO BE  
29 ALLOCATED FOR THE TRAINING OF RESIDENTS IN THE AREA AND THE OPERATION OF  
30 JOB TRAINING PROGRAMS;

31 (F) INCLUDE A STATEMENT FROM THE INDUSTRIAL DEVELOPMENT AUTHORITY  
32 SERVING THE MUNICIPALITY IN WHICH THE AREA IS LOCATED AND FROM ANY OTHER  
33 DEVELOPMENT FINANCE ENTITY SUPPORTED BY PUBLIC MONEY SETTING FORTH THE  
34 ASSISTANCE TO BE PROVIDED AND THE RESOURCES TO BE ALLOCATED TO DEVELOP-  
35 MENT ACTIVITIES IN THE AREA;

36 (G) SPECIFY GOALS AND OBJECTIVES, BOTH SHORT TERM AND LONG TERM, FOR  
37 THE ECONOMIC REVITALIZATION OF THE PROPOSED AREA;

38 (H) INCLUDE A DESCRIPTION OF PLANS AND STRATEGIES FOR PROVIDING AND  
39 IMPROVING HUMAN RESOURCE DEVELOPMENT SERVICES TO RESIDENTS OF THE AREA  
40 COMPRISING THE PROPOSED AREA AND TO EMPLOYEES OF BUSINESSES WITHIN SAID  
41 AREA, AND THE METHODS BY WHICH PERFORMANCE IN IMPLEMENTING SAID PLANS  
42 AND STRATEGIES WILL BE EVALUATED;

43 (I) IDENTIFY FINANCIAL COMMITMENTS THE LOCAL GOVERNMENT WILL MAKE TO  
44 THE AREA FOR ACTIVITIES, INCLUDING, BUT NOT LIMITED TO, MARKETING OF THE  
45 AREA FOR DEVELOPMENT, HUMAN RESOURCE SERVICES FOR AREA RESIDENTS AND  
46 ENTITIES, AND SERVICES FOR SMALL AND MINORITY AND WOMEN-OWNED BUSI-  
47 NESSES;

48 (J) IDENTIFY PUBLICLY CONTROLLED AND OTHER DEVELOPABLE LANDS AND  
49 BUILDINGS WITHIN THE PROPOSED AREA WHICH ARE OR COULD BE MADE AVAILABLE  
50 FOR DEVELOPMENT; AND

51 (K) PROVIDE DOCUMENTATION CONCERNING THE LEVEL OF LOCAL PARTICIPATION  
52 INCLUDING, BUT NOT LIMITED TO, LOCAL TAX INCENTIVES AND THE PROVISION OF  
53 LOCAL SERVICES.

54 S 6.15. LOCAL ADMINISTRATION OF CULTURAL DEVELOPMENT AREAS. 1. THE  
55 LOCAL CULTURAL DEVELOPMENT AREA CERTIFICATION OFFICER SHALL NOT SERVE ON  
56 THE LOCAL CULTURAL DEVELOPMENT AREA ADMINISTRATIVE BOARD AND SHALL,

1 PURSUANT TO REGULATIONS PROMULGATED BY THE COMMISSIONER PURSUANT TO THIS  
2 ARTICLE, JOINTLY CERTIFY TOGETHER WITH THE COMMISSIONER AND, IF THE  
3 ENTITY IS AN ARTS CORPORATION, WITH THE CHAIRPERSON OF THE COUNCIL ON  
4 THE ARTS, THOSE ENTITIES ELIGIBLE TO RECEIVE BENEFITS PURSUANT TO THIS  
5 ARTICLE; PROVIDED, HOWEVER, THAT SUCH CERTIFICATION SHALL BE GOVERNED BY  
6 CRITERIA INCLUDING, BUT NOT LIMITED TO,

7 (A) WHETHER THE ENTITY, IF CERTIFIED, IS REASONABLY LIKELY TO CREATE  
8 NEW EMPLOYMENT OR PREVENT A LOSS OF EMPLOYMENT IN THE AREA;

9 (B) WHETHER SUCH NEW EMPLOYMENT OPPORTUNITIES WILL BE FOR INDIVIDUALS  
10 WHO WILL PERFORM A SUBSTANTIAL PART OF THEIR EMPLOYMENT ACTIVITIES IN  
11 THE AREA;

12 (C) WHETHER CERTIFICATION WILL HAVE THE UNDESIRE EFFECT OF CAUSING  
13 INDIVIDUALS TO TRANSFER FROM EXISTING EMPLOYMENT WITH ANOTHER ENTITY TO  
14 SIMILAR EMPLOYMENT WITH THE ENTITY SO CERTIFIED, AND TRANSFERRING EXIST-  
15 ING EMPLOYMENT FROM ONE OR MORE OTHER MUNICIPALITIES, TOWNS OR VILLAGES  
16 IN THE STATE, OR TRANSFERRING EXISTING EMPLOYMENT FROM ONE OR MORE OTHER  
17 BUSINESSES IN THE AREA, PROVIDED THAT THIS CRITERIA SHALL NOT BE APPLIED  
18 TO ARTS CORPORATIONS;

19 (D) WHETHER SUCH ENTERPRISE IS LIKELY TO ENHANCE THE ECONOMIC OR  
20 CULTURAL CLIMATE OF THE AREA;

21 (E) WHETHER SUCH ENTERPRISE, DURING THE THREE YEARS PRECEDING THE  
22 SUBMISSION OF AN APPLICATION FOR CERTIFICATION, HAS ENGAGED IN A  
23 SUBSTANTIAL VIOLATION OR A PATTERN OF VIOLATIONS OF LAWS REGULATING  
24 UNEMPLOYMENT INSURANCE, WORKERS' COMPENSATION, PUBLIC WORK, CHILD LABOR,  
25 EMPLOYMENT OF MINORITIES AND WOMEN, SAFETY AND HEALTH, OR OTHER LAWS FOR  
26 THE PROTECTION OF WORKERS AS DETERMINED BY FINAL JUDGMENT OF A JUDICIAL  
27 OR ADMINISTRATIVE PROCEEDING;

28 (F) WHETHER SUCH CERTIFICATION IS NECESSARY TO PRESERVE THE START-UP,  
29 MAINTENANCE, CONTINUATION, EXPANSION, OR FURTHER DEVELOPMENT OF AN ENTI-  
30 TY THAT IS AN ARTS CORPORATION OR CULTURAL FACILITY, OR IS NECESSARY FOR  
31 CULTURAL PRESERVATION OR EXPANSION OF EDUCATIONAL OPPORTUNITIES.

32 2. ANY ENTITY THAT APPLIES FOR ANY TAX, UTILITY RATE, OR MANAGEMENT  
33 ASSISTANCE BENEFITS PROVIDED BY THIS ARTICLE SHALL PROVIDE NINETY DAYS  
34 WRITTEN NOTICE TO THE COMMISSIONER, THE LOCAL CULTURAL DEVELOPMENT AREA  
35 CERTIFICATION OFFICER, THE LOCAL CULTURAL DEVELOPMENT AREA ADMINISTRA-  
36 TIVE BOARD AND THE EMPLOYEES OF SUCH BUSINESS ENTERPRISE OF ANY INTENT  
37 TO CLOSE OR PARTIALLY CLOSE A FACILITY WITHIN THE CULTURAL DEVELOPMENT  
38 AREA. FOR THE PURPOSES OF THIS SECTION, "CLOSING" MEANS THE PERMANENT  
39 TERMINATION OF EMPLOYMENT AT A BUSINESS FACILITY, AND "PARTIAL CLOSING"  
40 MEANS THE PERMANENT TERMINATION OF A PORTION OF THE EMPLOYMENT AT A  
41 BUSINESS FACILITY THAT WILL EITHER IMMEDIATELY REDUCE THE WORK FORCE BY  
42 AT LEAST FIFTY EMPLOYEES OR WILL REDUCE THE WORK FORCE BY AT LEAST FIFTY  
43 PERCENT OVER A ONE-YEAR PERIOD.

44 3. AN ARTS CORPORATION, A CULTURAL FACILITY, OR SERVICE MEETING THE  
45 REQUIREMENTS ESTABLISHED IN THIS SECTION SHALL BE CERTIFIED, AND SHALL  
46 BE ELIGIBLE FOR THE BENEFITS PROVIDED FOR IN THIS ARTICLE TO THE EXTENT  
47 PROVIDED HEREIN.

48 4. THE LOCAL CULTURAL DEVELOPMENT AREA ADMINISTRATIVE BOARD SHALL:

49 (A) DEVELOP SHORT-TERM GOALS FOR AREA ACTIVITIES ON AN ANNUAL BASIS;

50 (B) PREPARE, OR CAUSE TO BE PREPARED, AN ANNUAL REPORT AND SUBMIT  
51 COPIES TO THE DEPARTMENT OF AUDIT AND CONTROL, DEPARTMENT OF TAXATION  
52 AND FINANCE, THE CHAIRPERSON OF THE COUNCIL ON THE ARTS, THE TEMPORARY  
53 PRESIDENT OF THE SENATE, THE SPEAKER OF THE ASSEMBLY AND DEPARTMENT OF  
54 ECONOMIC DEVELOPMENT ON OR BEFORE THE FIRST DAY OF JULY NEXT SUCCEEDING  
55 THE YEAR TO WHICH THE REPORT PERTAINS, REGARDING CULTURAL DEVELOPMENT  
56 AREA ACTIVITIES, INCLUDING INFORMATION WHICH WOULD ALLOW FOR SUBSTANTIVE

1 REVIEW OF THE AREA'S STRATEGIES AND PROGRESS OF THE AREA IN MEETING ITS  
2 SHORT-TERM OBJECTIVES, AND AN ANALYSIS OF THE EXTENT TO WHICH THE LONG-  
3 TERM GOALS SET FORTH IN THE CULTURAL DEVELOPMENT AREA PLAN AND APPLICA-  
4 TION HAVE BEEN MET. THE AREA ADMINISTRATIVE ENTITIES AND OTHER LOCAL  
5 OFFICIALS AND AGENCIES SHALL FULLY COOPERATE WITH THE AREA ADMINISTRA-  
6 TIVE BOARD IN THE ANNUAL PERFORMANCE REVIEW AND IN THE BOARD'S PERFORM-  
7 ANCE OF ITS OTHER DUTIES. LOCAL OFFICIALS, STATE AGENCIES, AND CERTIFIED  
8 ENTITIES SHALL PROVIDE INFORMATION REQUESTED BY THE AREA ADMINISTRATIVE  
9 BOARD WHICH IS NECESSARY FOR SUCH REVIEW. SUCH REPORT SHALL ALSO  
10 INCLUDE A CURRENT DESCRIPTION OF THE SPECIFIC STRATEGIES AND PRIORITIES  
11 FOR ECONOMIC REVITALIZATION OF THE AREA, INCLUDING, BUT NOT LIMITED TO:

12 (I) THE NUMBER OF JOBS CREATED;

13 (II) THE NUMBER OF JOBS RETAINED;

14 (III) THE AMOUNT OF PRIVATE CAPITAL LEVERAGED WITH PUBLIC FUNDS;

15 (IV) THE NUMBER OF BUSINESSES EXPANDED OR RETAINED AND NEW BUSINESSES  
16 CREATED, AND THE TYPE OF BUSINESSES EXPANDED, RETAINED OR CREATED;

17 (V) THE IMPROVEMENTS IN THE PHYSICAL INFRASTRUCTURE OF THE AREA;

18 (VI) THE CULTURAL HERITAGE IMPROVED, ADDED TO, OR PRESERVED.

19 THE COMMISSIONER SHALL PROMULGATE RULES AND REGULATIONS TO SET FORTH  
20 STANDARDS TO BE USED TO MEASURE PERFORMANCE AGAINST OBJECTIVES ON AN  
21 ANNUAL BASIS IN ORDER TO FACILITATE THE REQUIREMENTS OF THIS PARAGRAPH,  
22 AND SHALL REQUIRE THAT FOR PURPOSES OF THE REPORT, ALL JOBS SHALL BE  
23 MEASURED ON A FULL-TIME EQUIVALENCY BASIS;

24 (C) UNDERTAKE EFFORTS TO ENSURE MEANINGFUL PARTICIPATION BY MINORITY-  
25 OWNED AND WOMEN-OWNED BUSINESS ENTERPRISES IN CULTURAL DEVELOPMENT AREA  
26 ACTIVITIES;

27 (D) ENTER INTO AGREEMENTS WITH THE COMMISSIONERS OF ECONOMIC DEVELOP-  
28 MENT, LABOR, AND SOCIAL SERVICES, LOCAL DEPARTMENTS OF SOCIAL SERVICES,  
29 AND LOCAL EDUCATION AGENCIES AS DEFINED IN PARAGRAPH (B) OF SUBDIVISION  
30 ONE OF SECTION THREE THOUSAND THIRTY-TWO OF THE EDUCATION LAW, LOCAL  
31 COMMUNITY-BASED ORGANIZATIONS, PRIVATE EMPLOYERS, LABOR UNIONS, THE  
32 ADMINISTRATIVE ENTITY AND PRIVATE INDUSTRY COUNCIL FOR THE SERVICE  
33 DELIVERY AREA ESTABLISHED UNDER THE JOB TRAINING PARTNERSHIP ACT (P.L.  
34 97-300, AS AMENDED) THAT INCLUDES THE CULTURAL DEVELOPMENT AREA, AND ANY  
35 OTHER PERSON OR STATE OR FEDERAL AGENCY FOR THE PURPOSE OF ESTABLISHING,  
36 IMPLEMENTING AND COORDINATING JOB TRAINING PROGRAMS FOR WORKERS AND  
37 BUSINESSES TO BE LOCATED IN A CULTURAL DEVELOPMENT AREA; PROVIDED,  
38 HOWEVER, THAT:

39 (I) ANY AGREEMENT TO ESTABLISH A JOB TRAINING PROGRAM DESIGNED TO MEET  
40 THE SPECIFIC NEEDS OF AN EMPLOYER SHALL REQUIRE SUCH EMPLOYER TO RETAIN  
41 IN ITS EMPLOY FOR NOT LESS THAN SIX MONTHS AN EMPLOYEE WHO HAS SATISFAC-  
42 TORILY COMPLETED A COURSE OF TRAINING FOR A PARTICULAR JOB OPENING  
43 UNLESS SUCH EMPLOYEE VOLUNTARILY LEAVES SUCH EMPLOYMENT OR IS DISCHARGED  
44 FOR MISCONDUCT OR OTHER GOOD CAUSE, SUCH EMPLOYMENT TO BE MEASURED ON A  
45 FULL-TIME EQUIVALENCY BASIS; AND

46 (II) ANY JOB TRAINING PROGRAM ESTABLISHED PURSUANT TO THIS SECTION  
47 SHALL MAKE USE OF THE COMMUNITY SERVICE DIVISION OF THE LABOR DEPARTMENT  
48 AS WELL AS OTHER SOURCES FOR THE PURPOSE OF RECRUITMENT;

49 (E) IN COOPERATION WITH LOCAL SOCIAL SERVICES OFFICIALS, ESTABLISH A  
50 JOB TRAINING OPPORTUNITIES PROGRAM SPONSORED BY PRIVATE EMPLOYERS;

51 (F) ENTER INTO AGREEMENTS WITH LOCAL DEPARTMENTS OF SOCIAL SERVICES OR  
52 COMMUNITY-BASED ORGANIZATIONS TO FACILITATE THE PROVISION OF ANCILLARY  
53 OR ENHANCED SOCIAL SERVICES, INCLUDING LICENSED AND CERTIFIED CHILD DAY  
54 CARE, IN ANY SUCH AREA;

1 (G) ENSURE THAT JOB TRAINING PROGRAMS MEET STANDARDS OF INSTRUCTIONAL  
2 QUALITY ESTABLISHED IN REGULATIONS PROMULGATED BY THE COMMISSIONER OF  
3 EDUCATION;

4 (H) ORGANIZE OR USE AN EXISTING HUMAN RESOURCE DEVELOPMENT NETWORK  
5 WITHIN THE AREA, INCLUDING A COMMITTEE OF REPRESENTATIVES OF HUMAN  
6 RESOURCE AGENCIES AND ORGANIZATIONS SERVING THE AREA, ORGANIZED LABOR  
7 AND BUSINESS REPRESENTATIVES, TO DEVELOP STRATEGIES AND ACTIVITIES FOR  
8 IMPROVING THE COORDINATION AND DELIVERY OF HUMAN SERVICES TO RESIDENTS  
9 OF THE AREA AND AREA BUSINESSES;

10 (I) PREPARE AND IMPLEMENT A SMALL BUSINESS DEVELOPMENT AND ASSISTANCE  
11 PLAN;

12 (J) IN CONJUNCTION WITH AREA ADMINISTRATIVE ENTITIES, DEVELOP AND  
13 IMPLEMENT A SYSTEM FOR CONTINUOUS MONITORING AND EVALUATION OF AREA  
14 PERFORMANCE AT THE LOCAL LEVEL CONSISTENT WITH THE GUIDELINES SET FORTH  
15 IN THIS ARTICLE;

16 (K) PROVIDE WITHIN THE AREA, OR CONTRACT WITH A NEW OR EXISTING COMMU-  
17 NITY-BASED LOCAL DEVELOPMENT CORPORATION OR ENTITY TO PROVIDE, STRATEGIC  
18 ECONOMIC DEVELOPMENT PLANNING FOR THE AREA, MARKETING AND PROMOTION OF  
19 THE AREA, ASSISTANCE TO ENTITIES IN APPLYING FOR AVAILABLE BENEFITS,  
20 PREPARATION OF APPLICATIONS FOR FINANCING ASSISTANCE AND OTHER TECHNICAL  
21 ASSISTANCE SERVICES; COORDINATION OF THE DELIVERY OF STATE AND LOCAL  
22 PROGRAMS WITHIN THE AREAS; AND OPERATION OF SUCH OTHER ECONOMIC DEVELOP-  
23 MENT ASSISTANCE PROGRAMS IN FURTHERANCE OF THE CULTURAL DEVELOPMENT AREA  
24 PLAN AS MAY BE APPROPRIATE. PROVIDED, HOWEVER, WITHIN THE AMOUNT APPRO-  
25 PRIATED THEREFOR AND ALLOCATED BY THE DIRECTOR OF THE BUDGET, THE  
26 COMMISSIONER, THROUGH ANNUAL ADMINISTRATIVE CONTRACTS, SHALL, TO THE  
27 MAXIMUM EXTENT FEASIBLE, MAKE EQUALLY AVAILABLE FINANCIAL SUPPORT,  
28 THROUGH CONTRACTS OR OTHER MEANS, TO ASSIST WITH THE ADMINISTRATIVE  
29 EXPENSES OF THE LOCAL AREA ADMINISTRATIVE BODIES OR COMMUNITY-BASED  
30 DEVELOPMENT ORGANIZATIONS. NO FUNDS SHALL BE MADE AVAILABLE FOR THIS  
31 PURPOSE UNLESS THE AMOUNT TO BE PROVIDED HAS BEEN MATCHED BY PRIVATE OR  
32 GOVERNMENTAL SOURCES, OTHER THAN STATE SOURCES, IN AMOUNTS AT LEAST  
33 EQUALING THAT TO BE PROVIDED BY THE STATE. SUCH MATCHING FUNDS SHALL BE  
34 EARMARKED AND USED EXCLUSIVELY FOR THE LOCAL ADMINISTRATION OF THE AREA  
35 PROGRAM OR FOR ACTIVITIES OF THE AREA PROGRAM. AT LEAST FIFTY PERCENT OF  
36 SUCH MATCHING FUNDS SHALL BE IN CASH, PROVIDED THAT THE COMMISSIONER MAY  
37 WAIVE THIS REQUIREMENT FOR COMMUNITIES WITH POPULATIONS OF TWENTY-FIVE  
38 THOUSAND OR LESS, AND PROVIDED, FURTHER, THAT ANY AMOUNTS APPROPRIATED  
39 FOR MINORITY AND WOMEN-OWNED BUSINESS DEVELOPMENT WITHIN THE AREAS SHALL  
40 BE DISTRIBUTED BY THE COMMISSIONER PURSUANT TO A COMPETITIVE PROPOSAL  
41 SOLICITATION PROCESS.

42 (L) THE ANNUAL REPORT OF THE LOCAL CULTURAL DEVELOPMENT AREA ADMINIS-  
43 TRATIVE BOARD REQUIRED BY THIS SECTION SHALL, SUBJECT TO PRIVACY LIMITA-  
44 TIONS, INCLUDE, BUT NOT BE LIMITED TO A COMPLETE LIST OF ALL PROPERTY  
45 WITHIN THE AREA, IF ANY, GRANTED AN EXEMPTION UNDER SECTION FOUR HUNDRED  
46 EIGHTY-FIVE-E OF THE REAL PROPERTY TAX LAW, TOGETHER WITH THE ASSESSED  
47 VALUE THEREOF AND THE AMOUNT OF SUCH EXEMPTION, FOR EACH MUNICIPAL  
48 CORPORATION WHICH GRANTED SUCH EXEMPTION. SUCH LIST SHALL ALSO SET  
49 FORTH FOR EACH MUNICIPAL CORPORATION GRANTING SUCH EXEMPTION:

50 (1) THE TAX RATE FOR THE YEAR TO WHICH THE REPORT PERTAINS;

51 (2) THE AMOUNT OF REAL PROPERTY TAX THAT WOULD HAVE BEEN PAID IN THE  
52 AGGREGATE BY THE OWNERS OF REAL PROPERTY GRANTED AN EXEMPTION UNDER  
53 SECTION FOUR HUNDRED EIGHTY-FIVE-E OF THE REAL PROPERTY TAX LAW IF THE  
54 PROPERTY WAS FULLY TAXABLE AT THAT RATE;

55 (3) THE AMOUNT OF TAX ACTUALLY PAID IN THE AGGREGATE BY SUCH OWNERS;

1 (4) THE TOTAL INCREMENTAL VALUE, IF ANY, AS DEFINED IN SUBDIVISION (E)  
2 OF SECTION NINE HUNDRED SIXTY-SEVEN OF THE GENERAL MUNICIPAL LAW, OF  
3 TAXABLE REAL PROPERTY IN EACH CITY, TOWN, VILLAGE OR COUNTY WITHIN THE  
4 CULTURAL DEVELOPMENT AREA, TOGETHER WITH THE TOTAL AMOUNT OF TAX INCRE-  
5 MENTS WHICH ARE SEGREGATED PURSUANT TO SUBDIVISION (G) OF SUCH SECTION;

6 (5) THE TOTAL DOLLAR VALUE OF THE REFUND OR CREDIT OF TAXES IMPOSED  
7 PURSUANT TO THE AUTHORITY OF ARTICLE TWENTY-NINE OF THE TAX LAW ON  
8 RECEIPTS FROM THE SALE OF CERTAIN MATERIALS USED IN CONSTRUCTING,  
9 EXPANDING OR REHABILITATING CERTAIN BUSINESS PROPERTY LOCATED IN THE  
10 CULTURAL DEVELOPMENT AREA AS AUTHORIZED BY CLAUSE SIX OF SUBDIVISION (A)  
11 OF SECTION ELEVEN HUNDRED NINETEEN OF THE TAX LAW;

12 (6) THE TOTAL DOLLAR VALUE OF THE REFUND OR CREDIT OF TAXES IMPOSED  
13 UNDER ARTICLE TWENTY-EIGHT OF THE TAX LAW ON RECEIPTS FROM THE SALE OF  
14 MATERIALS USED IN CONSTRUCTING, EXPANDING OR REHABILITATING CERTAIN  
15 BUSINESS PROPERTY LOCATED IN THE CULTURAL DEVELOPMENT AREA, AS AUTHOR-  
16 IZED BY CLAUSE SIX OF SUBDIVISION (A) OF SECTION ELEVEN HUNDRED NINETEEN  
17 OF THE TAX LAW;

18 (7) THE NUMBER OF TAXPAYERS CLAIMING EACH OF THE FOLLOWING TAX CREDITS  
19 OR REFUNDS, TOGETHER WITH THE TOTAL AMOUNT OF EACH CREDIT CLAIMED BY  
20 TAXPAYERS IN THE AGGREGATE AGAINST THEIR TAXES IN THE YEAR TO WHICH THE  
21 REPORT PERTAINS, RESULTING FROM TAXPAYER ACTIVITY IN THE CULTURAL DEVEL-  
22 OPMENT AREA OR INVESTMENTS MADE BY TAXPAYERS IN THE CAPITAL CORPORATION  
23 ESTABLISHED FOR THAT CULTURAL DEVELOPMENT AREA:

24 (A) CREDITS AGAINST THE TAX IMPOSED UNDER ARTICLE NINE-A OF THE TAX  
25 LAW, BASED ON INVESTMENTS IN CERTAIN ELIGIBLE PROPERTY IN A CULTURAL  
26 DEVELOPMENT AREA, AS AUTHORIZED BY SUBDIVISIONS TWELVE-B AND TWELVE-C OF  
27 SECTION TWO HUNDRED TEN OF THE TAX LAW;

28 (B) CREDITS AGAINST THE TAX IMPOSED UNDER ARTICLE TWENTY-TWO OF THE  
29 TAX LAW, BASED ON INVESTMENTS IN CERTAIN ELIGIBLE PROPERTY IN THE  
30 CULTURAL DEVELOPMENT AREA, AS AUTHORIZED BY SUBSECTION (J) OF SECTION  
31 SIX HUNDRED SIX OF THE TAX LAW;

32 (C) CREDITS AGAINST TAXES IMPOSED UNDER ARTICLES NINE-A, TWENTY-TWO,  
33 THIRTY-TWO AND THIRTY-THREE OF THE TAX LAW, BASED ON WAGES PAID TO  
34 CERTAIN EMPLOYEES EMPLOYED BY A BUSINESS LOCATED IN A CULTURAL DEVELOP-  
35 MENT AREA, AS AUTHORIZED BY SUBDIVISION NINETEEN OF SECTION TWO HUNDRED  
36 TEN, SUBSECTION (K) OF SECTION SIX HUNDRED SIX, SUBSECTION (E) OF  
37 SECTION FOURTEEN HUNDRED FIFTY-SIX AND SUBDIVISION (G) OF SECTION  
38 FIFTEEN HUNDRED ELEVEN, RESPECTIVELY, OF THE TAX LAW;

39 (D) CREDITS AGAINST THE TAX LAW IMPOSED UNDER ARTICLES NINE-A, TWEN-  
40 TY-TWO, THIRTY-TWO AND THIRTY-THREE OF THE TAX LAW, BASED ON INVESTMENTS  
41 IN THE STOCK OF A CULTURAL DEVELOPMENT AREA CAPITAL CORPORATION, AS  
42 AUTHORIZED BY SUBDIVISION TWENTY OF SECTION TWO HUNDRED TEN, SUBDIVISION  
43 (1) OF SECTION SIX HUNDRED SIX, SUBSECTION (D) OF SECTION FOURTEEN  
44 HUNDRED FIFTY-SIX, AND SUBDIVISION (H) OF SECTION FIFTEEN HUNDRED ELEVEN  
45 OF THE TAX LAW;

46 (E) THE TOTAL AMOUNT OF REDUCTIONS IN UTILITY COSTS OF NON-RETAIL  
47 BUSINESS CUSTOMERS IN THE CULTURAL DEVELOPMENT AREA, AS AUTHORIZED BY  
48 SUBDIVISION EIGHT OF SECTION ONE HUNDRED EIGHTY-SIX-A OF THE TAX LAW;

49 (F) A STATEMENT SUMMARIZING ALL AMOUNTS RECEIVED AS, AND EXPENDITURES  
50 MADE FROM, FINANCIAL SUPPORT FOR ADMINISTRATIVE EXPENSES PURSUANT TO  
51 THIS SECTION; AND

52 (G) ANY OTHER INFORMATION REGARDING CULTURAL DEVELOPMENT AREA ACTIV-  
53 ITIES WHICH THE DEPARTMENT MAY REQUIRE UPON ITS OWN REQUEST OR THAT OF  
54 THE DEPARTMENT OF AUDIT AND CONTROL, DEPARTMENT OF TAXATION AND FINANCE,  
55 OR THE COUNCIL ON THE ARTS.

1 (8) IN ADDITION TO THE INFORMATION REQUIRED HEREINABOVE, SUCH REPORT  
2 SHALL ALSO SET FORTH, WITH RESPECT TO ALL PREVIOUS YEARS FOR WHICH  
3 REPORTS WERE ISSUED, A CUMULATIVE SUMMARY OF THE TOTAL AMOUNT OF REAL  
4 PROPERTY TAXES THAT WOULD HAVE BEEN RECEIVED BY EACH MUNICIPAL CORPO-  
5 RATION WITHIN THE AREA IF THE REAL PROPERTY GRANTED AN EXEMPTION UNDER  
6 SECTION FOUR HUNDRED EIGHTY-FIVE-E OF THE REAL PROPERTY TAX LAW HAD BEEN  
7 FULLY TAXED AT THE TAX RATE FOR THE APPROPRIATE YEAR, THE TOTAL AMOUNT  
8 OF TAX INCREMENTS SEGREGATED FOR INFRASTRUCTURE IMPROVEMENTS BY EACH  
9 CITY, TOWN, VILLAGE OR COUNTY WITHIN THE AREA, THE TOTAL AMOUNT OF EACH  
10 OF THE CREDITS OR REFUNDS SET FORTH IN THIS SUBDIVISION FOR ACTIVITIES  
11 OR INVESTMENTS WITHIN THE AREA, AND THE TOTAL AMOUNTS RECEIVED AND  
12 EXPENDITURES MADE FROM ANY FINANCIAL SUPPORT PURSUANT TO THIS SECTION.

13 (9) AT THE REQUEST OF ANY LOCAL CULTURAL DEVELOPMENT AREA ADMINISTRA-  
14 TIVE BOARD, THE DEPARTMENT OF TAXATION AND FINANCE, THE DEPARTMENT OF  
15 ECONOMIC DEVELOPMENT, THE PUBLIC SERVICE COMMISSION AND ANY MUNICIPAL  
16 CORPORATION WITHIN THE CULTURAL DEVELOPMENT AREA SHALL, TO THE EXTENT  
17 THAT IT POSSESSES ANY OF THE INFORMATION REQUIRED BY THIS SECTION, AND  
18 TO THE EXTENT THAT SUCH INFORMATION CAN BE DISCLOSED WITHOUT VIOLATING  
19 THE SECRECY PROVISIONS CONTAINED IN SECTIONS TWO HUNDRED TWO, TWO  
20 HUNDRED ELEVEN, SIX HUNDRED NINETY-SEVEN, ELEVEN HUNDRED FORTY-SIX,  
21 TWELVE HUNDRED FIFTY, FOURTEEN HUNDRED SIXTY-SEVEN AND FIFTEEN HUNDRED  
22 EIGHTEEN OF THE TAX LAW, PROVIDE THAT INFORMATION TO THE LOCAL CULTURAL  
23 DEVELOPMENT AREA ADMINISTRATIVE BOARD FOR INCLUSION IN ITS ANNUAL  
24 REPORT. THE AMOUNT OF ANY REAL PROPERTY TAXES REQUIRED TO BE SET FORTH  
25 IN THE REPORT PURSUANT TO THIS SECTION SHALL BE COMPUTED AND FURNISHED  
26 TO THE AREA'S ADMINISTRATIVE BOARD BY THE MUNICIPALITY WHICH LEVIED THE  
27 TAX. THE FAILURE OF ANY CULTURAL DEVELOPMENT AREA ADMINISTRATIVE BOARD  
28 TO PREPARE AND SUBMIT A REPORT AS REQUIRED BY THIS SECTION SHALL MAKE  
29 THE BOARD OR OTHER COMMUNITY-BASED DEVELOPMENT ORGANIZATION INELIGIBLE  
30 TO RECEIVE ANY FINANCIAL SUPPORT FOR ADMINISTRATIVE EXPENSES AUTHORIZED  
31 BY THIS SECTION; PROVIDED, HOWEVER, THAT SUCH FINANCIAL ASSISTANCE SHALL  
32 NOT BE WITHHELD ON ACCOUNT OF THE REPORT'S FAILURE TO INCLUDE ANY INFOR-  
33 MATION WHICH IS REQUIRED BY THIS SECTION BUT IS NOT AVAILABLE TO THE  
34 CULTURAL DEVELOPMENT AREA ADMINISTRATIVE BOARD.

35 S 6.16. DISPOSITION OF PROPERTY. 1. NOTWITHSTANDING ANY PROVISION OF  
36 ANY OTHER LAW TO THE CONTRARY, IN ORDER TO FURTHER THE PURPOSES OF THE  
37 CULTURAL DEVELOPMENT AREAS PROGRAM, ANY REAL OR PERSONAL PROPERTY  
38 LOCATED WITHIN A CULTURAL DEVELOPMENT AREA AND OWNED BY ANY LOCAL  
39 GOVERNMENTAL ENTITY IN WHOSE JURISDICTION A CULTURAL DEVELOPMENT AREA IS  
40 LOCATED, MAY BE SOLD OR LEASED FOR A TERM NOT EXCEEDING NINETY-NINE  
41 YEARS TO A PRIVATE USER, A COMMUNITY-BASED ORGANIZATION, A PUBLIC BENE-  
42 FIT CORPORATION OR ANY OTHER PERSON; PROVIDED, HOWEVER, THAT EACH  
43 CONTRACT FOR SUCH SALE, AND EACH SUCH LEASE, SHALL OBLIGATE THE BUYER OR  
44 LESSEE TO COMPLY WITH THE PROVISIONS OF THIS ARTICLE AND THE CULTURAL  
45 DEVELOPMENT AREA DEVELOPMENT PLAN FILED WITH THE COMMISSIONER PURSUANT  
46 TO SECTION 6.05 OF THIS ARTICLE. SUCH OBLIGATIONS CONTAINED IN A  
47 CONTRACT FOR THE SALE OF REAL PROPERTY SHALL SURVIVE DELIVERY OF THE  
48 DEED. A BREACH BY THE BUYER OR LESSEE OF A MATERIAL OBLIGATION OF SUCH  
49 CONTRACT OR LEASE SHALL, IN ADDITION TO ANY OTHER REMEDIES AVAILABLE TO  
50 THE SELLER OR LESSOR UNDER THE CONTRACT, TERMINATE THE ELIGIBILITY OF  
51 THE BUYER OR LESSEE FOR ANY BENEFITS PROVIDED IN THIS ARTICLE.

52 2. ANY REAL OR PERSONAL PROPERTY OWNED BY ANY LOCAL GOVERNMENTAL ENTI-  
53 TY OR THE STATE AND LOCATED WITHIN A CULTURAL DEVELOPMENT AREA MAY BE  
54 SOLD OR LEASED TO ANY PERSON PURSUANT TO THIS SECTION WITHOUT PUBLIC  
55 BIDDING OR PUBLIC SALE; PROVIDED, HOWEVER, THAT THERE IS PUBLISHED IN AT  
56 LEAST ONE NEWSPAPER OF GENERAL CIRCULATION IN THE MUNICIPALITY IN WHICH

1 THE CULTURAL DEVELOPMENT AREA IS LOCATED A NOTICE WHICH SHALL INCLUDE A  
2 STATEMENT OF THE IDENTITY OF THE PROPOSED PURCHASER OR LESSEE AND A  
3 DESCRIPTION OF ITS PROPOSED USE OR RE-USE OF THE PROPERTY, THE PRICE OR  
4 RENTAL TO BE PAID BY SUCH PURCHASER OR LESSEE, ALL OTHER ESSENTIAL  
5 CONDITIONS OF SUCH SALE OR LEASE, AND A STATEMENT THAT A PUBLIC HEARING  
6 UPON SUCH SALE OR LEASE WILL BE HELD BY THE SELLER OR LESSOR OF THE  
7 PROPERTY AT A SPECIFIED TIME AND PLACE ON A DATE NOT LESS THAN TEN DAYS  
8 NOR MORE THAN THIRTY DAYS AFTER SUCH PUBLICATION, AND PROVIDED FURTHER  
9 THAT SUCH PUBLIC HEARING IS HELD IN ACCORDANCE WITH SUCH NOTICE.

10 S 6.17. TERMINATION OR REVISION OF A CULTURAL DEVELOPMENT AREA. 1.  
11 EXCEPT AS PROVIDED IN THIS SECTION, ANY DESIGNATION OF AN AREA AS A  
12 CULTURAL DEVELOPMENT AREA SHALL REMAIN IN EFFECT DURING THE PERIOD  
13 BEGINNING ON THE DATE OF DESIGNATION AND ENDING FIVE YEARS LATER. THE  
14 COMMISSIONER MAY REVOKE A DESIGNATION PRIOR TO SUCH DATE IF HE OR SHE  
15 FINDS THAT A PUBLIC INTEREST IS NOT BEING SERVED BY THE CULTURE AREA, OR  
16 THAT PROPOSED PROJECTS IN THE AREA HAVE NOT BEEN COMPLETED OR ARE NOT  
17 ADEQUATELY NEAR COMPLETION WITHIN THREE YEARS OF THE DATE OF DESIG-  
18 NATION.

19 2. AFTER CONSULTATION WITH THE DIRECTOR OF THE BUDGET AND THE CHAIR-  
20 PERSON OF THE COUNCIL ON THE ARTS, THE COMMISSIONER MAY TERMINATE THE  
21 DESIGNATION OF AN AREA AS A CULTURAL DEVELOPMENT AREA UPON A FINDING  
22 THAT:

23 (A) THE APPLICANT HAS FAILED SUBSTANTIALLY TO IMPLEMENT THE CULTURAL  
24 DEVELOPMENT AREA DEVELOPMENT PLAN WITHIN THE TIME STATED THEREIN;

25 (B) THERE HAS BEEN NO SUBSTANTIAL BUSINESS DEVELOPMENT OR JOB CREATION  
26 WITHIN THE AREA DESIGNATED AS A CULTURAL DEVELOPMENT AREA WITHIN FIVE  
27 YEARS AFTER SUCH DESIGNATION;

28 (C) THERE HAS BEEN INADEQUATE MANAGEMENT AND EVALUATION OF THE AREA AT  
29 THE LOCAL LEVEL; OR

30 (D) THE APPLICANT HAS REPEATEDLY FAILED TO COMPLY WITH PROGRAM REPORT-  
31 ING REQUIREMENTS,  
32 PROVIDED, HOWEVER, THAT NO TERMINATION SHALL OCCUR UNLESS AND UNTIL  
33 WRITTEN NOTICE HAS BEEN GIVEN TO THE APPLICANT AND A PUBLIC HEARING HAS  
34 BEEN HELD THIRTY DAYS PRIOR TO THE EFFECTIVE DATE OF SUCH TERMINATION.

35 3. THE GOVERNING BODY OF A CITY, COUNTY, TOWN OR VILLAGE MAY, BY  
36 RESOLUTION, SUBMIT TO THE COMMISSIONER A REQUEST TO REVISE THE BOUNDA-  
37 RIES OF AN EXISTING CULTURAL DEVELOPMENT AREA. THE COMMISSIONER MAY,  
38 AFTER CONSULTATION WITH THE COMMISSIONER OF LABOR, APPROVE SUCH REVISION  
39 SUBJECT TO THE FOLLOWING PROVISIONS:

40 (A) ANY REVISION OF THE BORDERS OF A CULTURAL DEVELOPMENT AREA SHALL  
41 BE BASED UPON A DETERMINATION BY THE COMMISSIONER THAT A CHANGE IN  
42 CIRCUMSTANCES HAS OCCURRED SINCE THE ESTABLISHMENT OF THE EXISTING  
43 BORDERS WHICH MAKES REVISION OF SUCH BORDERS NECESSARY OR DESIRABLE.

44 (B) THE COMMISSIONER SHALL AFFIRM THAT SUCH REVISION WOULD NOT HAVE  
45 THE EFFECT OF PRODUCING A CULTURAL DEVELOPMENT AREA WHICH DOES NOT  
46 SATISFY THE CRITERIA FOR CULTURAL DEVELOPMENT AREA DESIGNATION ESTAB-  
47 LISHED BY OR PURSUANT TO THIS ARTICLE.

48 (C) THE COMMISSIONER MAY GRANT APPROVAL OF REVISION OF THE BORDERS OF  
49 A CULTURAL DEVELOPMENT AREA WITHOUT PUBLIC NOTICE AND WITHOUT HEARING IF  
50 SUCH REVISION ADDS TERRITORY TO AN EXISTING CULTURAL DEVELOPMENT AREA  
51 BUT DOES NOT REMOVE TERRITORY FROM SUCH AREA.

52 (D) THE COMMISSIONER MAY GRANT APPROVAL OF A REVISION OF THE BORDERS  
53 OF A CULTURAL DEVELOPMENT AREA AFTER PUBLIC NOTICE OF SUCH PROPOSED  
54 REVISION AND A PUBLIC HEARING AT LEAST THIRTY DAYS PRIOR TO THE EFFEC-  
55 TIVE DATE OF SUCH REVISION, IF SUCH REVISION REMOVES TERRITORY FROM AN  
56 EXISTING CULTURAL DEVELOPMENT AREA.

1 (E) THE REVISION OF THE BORDERS OF A CULTURAL DEVELOPMENT AREA SHALL  
2 HAVE NO EFFECT ON THE DURATION OF THE DESIGNATION OF SUCH CULTURAL  
3 DEVELOPMENT AREA AS PROVIDED BY SUBDIVISION ONE OF THIS SECTION.

4 (F) ANY REQUEST TO REVISE THE BOUNDARIES OF AN EXISTING CULTURAL  
5 DEVELOPMENT AREA SUBMITTED TO THE COMMISSIONER ON OR AFTER JANUARY  
6 FIFTEENTH, TWO THOUSAND TEN SHALL NOT RESULT IN THE FINAL DESIGNATION OF  
7 LESS THAN FIFTY PERCENT OF THE EXISTING AREA'S UNDESIGNATED ACREAGE ON  
8 OR AFTER SUCH DATE IN MORE THAN THREE NONCONTIGUOUS AREAS. ANY REQUEST  
9 BY AN EXISTING AREA TO THE COMMISSIONER FOR THE DESIGNATION OF UP TO  
10 TWENTY-FIVE PERCENT OF THE EXISTING AREA'S REMAINING UNDESIGNATED ACRE-  
11 AGE ON OR AFTER SUCH DATE SHALL DEMONSTRATE THAT THE PROPOSED ACREAGE  
12 OFFERS A SIGNIFICANT CONTRIBUTION TO THE ECONOMIC REVITALIZATION OF THE  
13 AREA AND SURROUNDING AREA, TO INCLUDE THE CREATION OR RETENTION OF  
14 PRIVATE SECTOR JOBS, OR A PLAN TO DEMONSTRATE THAT THE CAPITAL, HUMAN  
15 RESOURCE, OR OTHER INVESTMENT BY BUSINESSES LOCATED WITHIN THE PROPOSED  
16 ACREAGE WILL APPROXIMATE FIFTY PERCENT OF THE PROJECTED AGGREGATE AMOUNT  
17 OF AREA BENEFITS TO BE RECEIVED BY THE CERTIFIED ENTITY LOCATED WITHIN  
18 THE PROPOSED ACREAGE DURING THE FIRST TWELVE MONTHS FOLLOWING SUCH  
19 DESIGNATION; AND THAT THE PROPOSED ACREAGE IS SERVICED, OR WILL BE  
20 SERVICED, BY PUBLIC TRANSPORTATION AVAILABLE TO AREA OR COMMUNITY RESI-  
21 DENTS, OR OTHER PROSPECTIVE EMPLOYEES, IN THOSE AREAS WHERE A PUBLIC  
22 TRANSPORTATION SYSTEM ALREADY EXISTS AND WHERE SUCH SERVICE IS ECONOM-  
23 ICALLY FEASIBLE; BUT ONLY AFTER PUBLIC NOTICE OF SUCH PROPOSED REVISION  
24 AND A PUBLIC HEARING AT LEAST THIRTY DAYS PRIOR TO THE EFFECTIVE DATE OF  
25 SUCH REVISION. PROVIDED, HOWEVER, IF AN EXISTING AREA DEMONSTRATES THAT  
26 A PROJECT WHICH WILL ENHANCE THE ECONOMIC REVITALIZATION OF THE AREA AND  
27 BENEFIT AREA RESIDENTS CANNOT BE INCLUDED WITHIN ONE OF THE THREE  
28 NONCONTIGUOUS AREAS, AND UPON THE COMMISSIONER'S DETERMINATION THAT  
29 INCLUSION OF SUCH ADDITIONAL NONCONTIGUOUS LANDS POSES SIGNIFICANT  
30 POTENTIAL FOR ECONOMIC DEVELOPMENT, TO INCLUDE JOB CREATION OF NO LESS  
31 THAN THREE HUNDRED NEW JOBS, MORE THAN TWENTY-FIVE PERCENT OF THE EXIST-  
32 ING AREA'S UNDESIGNATED ACREAGE ON OR AFTER JANUARY FIFTEENTH, TWO THOU-  
33 SAND NINE CAN BE USED IN MORE THAN THREE NONCONTIGUOUS AREAS, BUT ONLY  
34 AFTER PUBLIC NOTICE OF SUCH PROPOSED REVISION AND A PUBLIC HEARING AT  
35 LEAST THIRTY DAYS PRIOR TO THE EFFECTIVE DATE OF SUCH REVISION.

36 (G) ANY REQUEST TO REVISE THE BOUNDARIES OF A NEW CULTURAL DEVELOPMENT  
37 AREA SUBMITTED TO THE COMMISSIONER SHALL NOT RESULT IN THE FINAL DESIG-  
38 NATION OF LESS THAN FIFTY PERCENT OF THE NEW AREA'S UNDESIGNATED ACREAGE  
39 IN MORE THAN THREE NONCONTIGUOUS AREAS. ANY REQUEST BY A NEW AREA TO THE  
40 COMMISSIONER FOR THE DESIGNATION OF UP TO TWENTY-FIVE PERCENT OF THE NEW  
41 AREA'S REMAINING UNDESIGNATED ACREAGE SHALL DEMONSTRATE THAT: THE  
42 PROPOSED ACREAGE OFFERS A SIGNIFICANT CONTRIBUTION TO THE ECONOMIC REVI-  
43 TALIZATION OF THE AREA AND SURROUNDING AREA, TO INCLUDE THE CREATION OR  
44 RETENTION OF PRIVATE SECTOR JOBS, OR A PLAN TO DEMONSTRATE THAT THE  
45 CAPITAL, HUMAN RESOURCE, OR OTHER INVESTMENT BY BUSINESSES LOCATED WITH-  
46 IN THE PROPOSED ACREAGE WILL APPROXIMATE FIFTY PERCENT OF THE PROJECTED  
47 AGGREGATE AMOUNT OF AREA BENEFITS TO BE RECEIVED BY THE CERTIFIED BUSI-  
48 NESSES LOCATED WITHIN THE PROPOSED ACREAGE DURING THE FIRST TWELVE  
49 MONTHS FOLLOWING SUCH DESIGNATION; AND THAT THE PROPOSED ACREAGE IS  
50 SERVICED, OR WILL BE SERVICED, BY PUBLIC TRANSPORTATION AVAILABLE TO  
51 AREA OR COMMUNITY RESIDENTS, OR OTHER PROSPECTIVE EMPLOYEES, IN THOSE  
52 AREAS WHERE A PUBLIC TRANSPORTATION SYSTEM ALREADY EXISTS AND WHERE SUCH  
53 SERVICE IS ECONOMICALLY FEASIBLE; BUT ONLY AFTER PUBLIC NOTICE OF SUCH  
54 PROPOSED REVISION AND A PUBLIC HEARING AT LEAST THIRTY DAYS PRIOR TO THE  
55 EFFECTIVE DATE OF SUCH REVISION. PROVIDED, HOWEVER, IF A NEW AREA DEMON-  
56 STRATES THAT A PROJECT WHICH WILL ENHANCE THE ECONOMIC REVITALIZATION OF

1 THE AREA AND BENEFIT AREA RESIDENTS CANNOT BE INCLUDED WITHIN ONE OF THE  
2 THREE NONCONTIGUOUS AREAS, AND UPON THE COMMISSIONER'S DETERMINATION  
3 THAT INCLUSION OF SUCH ADDITIONAL NONCONTIGUOUS LANDS POSES SIGNIFICANT  
4 POTENTIAL FOR ECONOMIC DEVELOPMENT, TO INCLUDE JOB CREATION OF NO LESS  
5 THAN THREE HUNDRED NEW JOBS, MORE THAN TWENTY-FIVE PERCENT OF THE NEW  
6 AREA'S UNDESIGNATED ACREAGE CAN BE USED IN MORE THAN THREE NONCONTIGUOUS  
7 AREAS, BUT ONLY AFTER PUBLIC NOTICE OF SUCH PROPOSED REVISION AND A  
8 PUBLIC HEARING AT LEAST THIRTY DAYS PRIOR TO THE EFFECTIVE DATE OF SUCH  
9 REVISION.

10 (H) IT IS THE POLICY TO ALLOW EACH AREA NO MORE THAN ONE BOUNDARY  
11 AMENDMENT WITHIN A TWELVE MONTH PERIOD. IF, HOWEVER, THERE IS A CHANGE  
12 IN CIRCUMSTANCES INVOLVING EXTENUATING FACTORS WITHIN THE YEAR (SUCH AS  
13 THE ATTRACTION/RETENTION OF A MAJOR POTENTIAL/AREA EMPLOYER, WHICH IS  
14 CONSISTENT WITH THE AREA'S DEVELOPMENT GOALS), THE REQUEST WILL BE  
15 CONSIDERED.

16 (I) UPON THE TERMINATION OR REVISION OF THE BORDERS OF A CULTURAL  
17 DEVELOPMENT AREA AS PROVIDED IN THIS SECTION, THE COMMISSIONER SHALL  
18 FILE NOTICE OF SUCH ACTION AS REQUIRED BY SECTION NINE HUNDRED  
19 FIFTY-NINE OF THE GENERAL MUNICIPAL LAW.

20 S 6.18. RESCINDING OF LOCAL INCENTIVES. SHOULD A CERTIFIED ARTS  
21 CORPORATION IN A CDA BE DECERTIFIED, ANY LOCAL INCENTIVE PROVIDED BY  
22 SUCH MUNICIPALITY MAY BE RESCINDED BY LOCAL LAW OR RESOLUTION BY THE  
23 GOVERNING BODY OF SUCH MUNICIPALITY, NOTWITHSTANDING SUBDIVISION FIVE OF  
24 SECTION FOUR HUNDRED EIGHTY-FIVE-E OF THE REAL PROPERTY TAX LAW.

25 S 3. This act shall take effect immediately.