

2009-2010 Regular Sessions

I N S E N A T E

(PREFILED)

January 7, 2009

Introduced by Sen. KRUGER -- read twice and ordered printed, and when printed to be committed to the Committee on Local Government

AN ACT to amend the general municipal law, in relation to the creation of urban commercial redevelopment action areas

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

1 Section 1. Legislative intent. The legislature hereby finds and  
2 declares that the establishment of commercial redevelopment action areas  
3 can promote expanded retail operations in urban commercial districts and  
4 thereby facilitate downtown urban revitalization.

5 S 2. Section 692 of the general municipal law is amended by adding a  
6 new subdivision 8 to read as follows:

7 8. "URBAN COMMERCIAL REDEVELOPMENT ACTION AREA". AN AREA PREVIOUSLY  
8 DESIGNATED AS AN URBAN DEVELOPMENT ACTION AREA WHICH IS DESIGNATED BY  
9 THE GOVERNING BODY OF A MUNICIPALITY AS AN URBAN COMMERCIAL REDEVELOP-  
10 MENT ACTION AREA.

11 S 3. The opening paragraph of section 693 of the general municipal  
12 law, as amended by chapter 701 of the laws of 2006, is designated subdivi-  
13 sion 1 and a new subdivision 2 is added to read as follows:

14 2. AN URBAN COMMERCIAL REDEVELOPMENT ACTION AREA SHALL BE DESIGNATED  
15 BY RESOLUTION OF THE GOVERNING BODY OF THE MUNICIPALITY MAKING THE  
16 DESIGNATION; PROVIDED, THAT SUCH URBAN COMMERCIAL REDEVELOPMENT ACTION  
17 AREA MUST:

18 (A) CONTAIN AT LEAST FORTY PERCENT VACANT LAND AND/OR ABANDONED BUILD-  
19 INGS,

20 (B) BE LOCATED WITHIN OR ADJACENT TO A CENSUS TRACT HAVING A MINORITY  
21 POPULATION IN EXCESS OF TWENTY PERCENT,

22 (C) CONSIST OF REAL PROPERTY AT LEAST THIRTY PERCENT OF WHICH SHALL  
23 HAVE DECLINED IN VALUE FOR ASSESSMENT PURPOSES, AND

24 (D) HAVE POTENTIAL FOR ATTRACTING NEW COMMERCIAL BUSINESSES.

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

1 S 4. The opening paragraph of section 693 of the general municipal  
2 law, as amended by chapter 437 of the laws of 2000, is designated subdivi-  
3 sion 1 and a new subdivision 2 is added to read as follows:

4 2. AN URBAN COMMERCIAL REDEVELOPMENT ACTION AREA SHALL BE DESIGNATED  
5 BY RESOLUTION OF THE GOVERNING BODY OF THE MUNICIPALITY MAKING THE  
6 DESIGNATION; PROVIDED, THAT SUCH URBAN COMMERCIAL REDEVELOPMENT ACTION  
7 AREA MUST:

8 (A) CONTAIN AT LEAST FORTY PERCENT VACANT LAND AND/OR ABANDONED BUILD-  
9 INGS,

10 (B) BE LOCATED WITHIN OR ADJACENT TO A CENSUS TRACT HAVING A MINORITY  
11 POPULATION IN EXCESS OF TWENTY PERCENT,

12 (C) CONSIST OF REAL PROPERTY AT LEAST THIRTY PERCENT OF WHICH SHALL  
13 HAVE DECLINED IN VALUE FOR ASSESSMENT PURPOSES, AND

14 (D) HAVE POTENTIAL FOR ATTRACTING NEW COMMERCIAL BUSINESSES.

15 S 5. The general municipal law is amended by adding a new section  
16 694-a to read as follows:

17 S 694-A. URBAN COMMERCIAL REDEVELOPMENT ACTION AREA APPROVAL BY THE  
18 DEPARTMENT OF ECONOMIC DEVELOPMENT. THE DESIGNATION OF AN URBAN COMMER-  
19 CIAL REDEVELOPMENT ACTION AREA BY A MUNICIPALITY SHALL BE SUBJECT TO THE  
20 APPROVAL BY THE STATE DEPARTMENT OF ECONOMIC DEVELOPMENT. THE DEPARTMENT  
21 MUST CERTIFY THAT SUCH AREA COMPLIES WITH THE REQUIREMENTS OF SUBDIVI-  
22 SION TWO OF SECTION SIX HUNDRED NINETY-THREE OF THIS ARTICLE.

23 S 6. The general municipal law is amended by adding a new section  
24 696-e to read as follows:

25 S 696-E. TAX INCENTIVES FOR RETAIL ESTABLISHMENTS WITHIN URBAN COMMER-  
26 CIAL REDEVELOPMENT ACTION AREAS. 1. UPON CERTIFICATION BY THE DEPARTMENT  
27 OF ECONOMIC DEVELOPMENT, IN CONSULTATION WITH THE COMMISSIONER OF TAXA-  
28 TION AND FINANCE, THAT THE ANTICIPATED LOSS OF SALES AND USE TAX REVEN-  
29 UES TO THE STATE WITHIN ALL SUCH AREAS DOES NOT EXCEED IN THE AGGREGATE  
30 TEN MILLION DOLLARS IN ANY FISCAL YEAR AN URBAN COMMERCIAL REDEVELOPMENT  
31 ACTION AREA MAY BE GRANTED AN EXEMPTION FROM THE IMPOSITION OF SALES AND  
32 USE TAXES WITHIN SUCH AREA AS FOLLOWS:

33 (A) A PERIOD OF FIVE YEARS FOR SALES BY NEW RETAIL AND COMMERCIAL  
34 ESTABLISHMENTS,

35 (B) A PERIOD OF FOUR YEARS FOR SALES BY RETAIL AND COMMERCIAL ESTAB-  
36 LISHMENTS MAKING SUBSTANTIAL CAPITAL IMPROVEMENTS TO EXISTING OPER-  
37 ATIONS, AND

38 (C) A PERIOD OF THREE YEARS FOR SALES BY ALL OTHER RETAIL AND COMMER-  
39 CIAL ESTABLISHMENTS LOCATED WITHIN THE DESIGNATED AREA.

40 2. IN THE EVENT THAT THE COUNTY IN WHICH AN URBAN COMMERCIAL REDEVEL-  
41 OPMENT ACTION AREA IS LOCATED IMPOSES A SALES AND USE TAX, SUCH COUNTY,  
42 BY RESOLUTION, MUST APPROVE THE CREATION OF SUCH AREA PRIOR TO THE  
43 GRANTING OF ANY TAX EXEMPTION PURSUANT TO THE PROVISIONS OF THIS  
44 SECTION.

45 S 7. This act shall take effect immediately; provided that the amend-  
46 ments to section 693 of the general municipal law made by section three  
47 of this act shall be subject to the expiration and reversion of such  
48 section pursuant to section 2 of chapter 701 of the laws of 2006, as  
49 amended, when upon such date the provisions of section four of this act  
50 shall take effect.