

Seventh Extraordinary Session

I N S E N A T E

June 28, 2009

Introduced by COMMITTEE ON RULES -- (at request of the Governor) -- read twice and ordered printed, and when printed to be committed to the Committee on Rules

AN ACT to amend the administrative code of the city of New York and the tax law, in relation to the temporary exemption from commercial rent or occupancy tax for premises used for retail sales in lower Manhattan and the World Trade Center area; and to amend part C of chapter 2 of the laws of 2005 amending the tax law relating to exemptions from sales and use taxes, in relation to the effectiveness of provisions thereof

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

1 Section 1. Subparagraph (b-2) of paragraph 2 of subdivision i of
2 section 11-704 of the administrative code of the city of New York, as
3 added by section 8 of part A of chapter 2 of the laws of 2005, is
4 amended to read as follows:
5 (b-2) The amount of the special reduction allowed by this subdivision
6 with respect to a lease other than a sublease commencing between July
7 first, two thousand five and June thirtieth, two thousand [nine] THIR-
8 TEEN with an initial or renewal lease term of at least five years shall
9 be determined as follows:
10 (i) For the base year the amount of such special reduction shall be
11 equal to the base rent for the base year.
12 (ii) For the first, second, third and fourth twelve-month periods
13 following the base year the amount of such special reduction shall be
14 equal to the lesser of (A) the base rent for each such twelve-month
15 period or (B) the base rent for the base year.
16 S 2. Subparagraph (A) of paragraph 7 of subdivision (ee) of section
17 1115 of the tax law, as added by section 1 of part C of chapter 2 of the
18 laws of 2005, is amended to read as follows:

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

LBD14335-02-9

1 (A) "Tenant" means a person who, as lessee, enters into a space lease
2 with a landlord for a term of ten years or more commencing on or after
3 September first, two thousand five, but not later than, in the case of a
4 space lease with respect to leased premises located in eligible areas as
5 defined in clause (i) of subparagraph (D) of this paragraph, September
6 first, two thousand [nine] THIRTEEN and, in the case of a space lease
7 with respect to leased premises located in eligible areas as defined in
8 clause (ii) of subparagraph (D) of this paragraph not later than Septem-
9 ber first, two thousand [eleven] FIFTEEN, of premises for use as commer-
10 cial office space in buildings located or to be located in the eligible
11 areas. A person who currently occupies premises for use as commercial
12 office space under an existing lease in a building in the eligible areas
13 shall not be eligible for exemption under this subdivision unless such
14 existing lease, in the case of a space lease with respect to leased
15 premises located in eligible areas as defined in clause (i) of subpara-
16 graph (D) of this paragraph expires according to its terms before
17 September first, two thousand [nine] THIRTEEN or such existing lease, in
18 the case of a space lease with respect to leased premises located in
19 eligible areas as defined in clause (ii) of subparagraph (D) of this
20 paragraph and such person enters into a space lease, for a term of ten
21 years or more commencing on or after September first, two thousand five,
22 of premises for use as commercial office space in a building located or
23 to be located in the eligible areas, provided that such space lease with
24 respect to leased premises located in eligible areas as defined in
25 clause (i) of subparagraph (D) of this paragraph commences no later than
26 September first, two thousand [nine] THIRTEEN, and provided that such
27 space lease with respect to leased premises located in eligible areas as
28 defined in clause (ii) of subparagraph (D) of this paragraph commences
29 no later than September first, two thousand [eleven] FIFTEEN and
30 provided, further, that such space lease shall expire no earlier than
31 ten years after the expiration of the original lease.

32 S 3. Section 2 of part C of chapter 2 of the laws of 2005 amending the
33 tax law relating to exemptions from sales and use taxes is amended to
34 read as follows:

35 S 2. This act shall take effect September 1, 2005 and shall expire and
36 be deemed repealed on December 1, [2012] 2016, and shall apply to sales
37 made, uses occurring and services rendered on or after such effective
38 date, in accordance with the applicable transitional provisions of
39 sections 1106 and 1217 of the tax law; except that clause (i) of subpar-
40 agraph (D) of paragraph seven of subdivision (ee) of section 1115 of the
41 tax law, as added by section one of this act, shall expire and be deemed
42 repealed December 1, [2010] 2014.

43 S 4. This act shall take effect immediately; provided that if this act
44 shall take effect after June 30, 2009, it shall be deemed to have been
45 in full force and effect on and after June 30, 2009.