

8327

2011-2012 Regular Sessions

I N A S S E M B L Y

June 13, 2011

Introduced by M. of A. LENTOL -- read once and referred to the Committee on Economic Development

AN ACT to amend the urban development corporation act, in relation to creating a north Brooklyn creative economic zone; and to amend the tax law, in relation to establishing tax credits for the north Brooklyn creative economic zone

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

1 Section 1. Section 1 of chapter 174 of the laws of 1968, constituting
2 the New York state urban development corporation act is amended by
3 adding a new section 16-u to read as follows:

4 S 16-U. NORTH BROOKLYN CREATIVE ECONOMIC ZONE. 1. DEFINITIONS. FOR
5 PURPOSES OF THIS SECTION:

6 (A) "CREATIVE BUSINESS" SHALL MEAN ANY CURRENT OR NEW BUSINESS THAT
7 DEVELOPS PLANS TO ADD JOBS TO THE LOCAL ECONOMY WHILE CREATING NEW TECH-
8 NOLOGY OR NEW PRODUCT DESIGN AND WHICH HAS SUCCESSFULLY APPLIED FOR
9 PATENTS IN THE TECHNOLOGY OR DESIGN THAT IT IS DEVELOPING OR HAS DEVEL-
10 OPED.

11 (B) "MIXED-USE BUILDING" SHALL MEAN ANY SINGLE BUILDING THAT HOUSES
12 RESIDENTIAL AND BUSINESS SPACE SHARED BY FOUR OR MORE BUSINESSES OR A
13 NEW OR REDESIGNED BUILDING DESIGNED TO HOUSE SUCH USES.

14 2. THE EMPIRE STATE DEVELOPMENT CORPORATION SHALL ESTABLISH A NORTH
15 BROOKLYN CREATIVE ECONOMIC ZONE IN THE FOLLOWING GEOGRAPHICAL AREA:

16 ALL OF THAT LAND WEST OF NEWTOWN CREEK AND, BEGINNING IN A SOUTHERLY
17 DIRECTION ON FLUSHING AVENUE TO BUSHWICK AVENUE AND THEN CONTINUING IN A
18 SOUTHEASTERLY DIRECTION TO ARION PLACE AND THEN CONTINUING IN A SOUTH-
19 WESTERLY DIRECTION TO BROADWAY AND THEN CONTINUING IN A SOUTHEASTERLY
20 DIRECTION TO GATES AVENUE AND THEN CONTINUING IN A WESTERLY DIRECTION TO
21 FULTON AVENUE AND THEN CONTINUING IN A NORTHWESTERLY DIRECTION TO FLAT-
22 BUSH AVENUE AND THEN CONTINUING IN A NORTHWESTERLY DIRECTION TO THE EAST
23 RIVER.

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

LBD13050-01-1

1 3. THE CORPORATION SHALL CREATE FOUR BUSINESS INCUBATORS WITHIN THE
2 ZONE CREATED IN SUBDIVISION TWO OF THIS SECTION, SPECIFIC TO DESIGN AND
3 TECHNOLOGY, TO FOSTER AND GROW BUSINESSES THAT SEEK SHARED SPACE AND
4 RESOURCES.

5 4. THE CORPORATION SHALL PROMOTE THE ESTABLISHMENT OF CREATIVE BUSI-
6 NESSES. OWNERS OF SUCH BUSINESS SHALL BE ELIGIBLE FOR TAX CREDITS UNDER
7 SECTION 36 OF THE TAX LAW.

8 5. THE CORPORATION SHALL CREATE A MENTORING PROGRAM WHEREIN ESTAB-
9 LISHED BUSINESSES LEND TIME AND/OR EXPERTISE TO NEW BUSINESSES WITH THIS
10 ZONE. BUSINESSES THAT PARTICIPATE AS MENTORS IN SUCH MENTORING PROGRAM
11 SHALL BE ELIGIBLE FOR TAX CREDITS UNDER SECTION 36 OF THE TAX LAW.

12 S 2. The tax law is amended by adding a new section 36 to read as
13 follows:

14 S 36. NORTH BROOKLYN CREATIVE ECONOMIC ZONE CREDIT. (A) ALLOWANCE OF
15 CREDIT. A TAXPAYER WHICH IS QUALIFIED CREATIVE BUSINESS, AS THAT TERM IS
16 DEFINED IN SECTION SIXTEEN-U OF THE NEW YORK STATE URBAN DEVELOPMENT
17 CORPORATION ACT, OR WHICH IS A QUALIFIED MENTOR PURSUANT TO SUCH
18 SECTION, AND WHICH IS SUBJECT TO TAX UNDER ARTICLE NINE, NINE-A, TWEN-
19 TY-TWO OR THIRTY-TWO OF THIS CHAPTER, SHALL BE ALLOWED A CREDIT AGAINST
20 SUCH TAX, AS PROVIDED HEREIN:

21 (1) FOR A QUALIFIED CREATIVE BUSINESS THE CREDIT SHALL EQUAL EIGHT
22 THOUSAND DOLLARS.

23 (2) FOR A QUALIFIED MENTOR THE CREDIT SHALL EQUAL TWELVE THOUSAND FIVE
24 HUNDRED DOLLARS, PROVIDED THAT SUCH TAXPAYER PROVIDES DOCUMENTATION FROM
25 THE EMPIRE STATE DEVELOPMENT CORPORATION THAT SUCH TAXPAYER HAS BEEN A
26 MENTOR FOR A YEAR OR MORE AND THAT THE CREDIT IS SOUGHT SOLELY FOR THE
27 TAXABLE YEAR IN WHICH IT IS A MENTOR.

28 (B) CARRYOVER. IF THE AMOUNT OF THE CREDIT, AND CARRYOVERS OF SUCH
29 CREDIT, ALLOWABLE UNDER THIS SUBDIVISION FOR ANY TAXABLE YEAR SHALL
30 EXCEED THE TAXPAYER'S TAX FOR SUCH YEAR, SUCH EXCESS AMOUNT MAY BE
31 CARRIED OVER TO THE FIVE TAXABLE YEARS NEXT FOLLOWING THE TAXABLE YEAR
32 WITH RESPECT TO WHICH THE CREDIT IS ALLOWED AND MAY BE DEDUCTED FROM THE
33 TAXPAYER'S TAX FOR SUCH YEAR OR YEARS.

34 (C) LIMITATIONS. THIS CREDIT MAY ONLY BE CLAIMED FOR THE TAXABLE YEAR
35 IN WHICH THE GIFT WAS DELIVERED PURSUANT TO THE DELIVERY REQUIREMENTS OF
36 THIS SECTION AND ONLY BY THE DONOR OF SUCH ANATOMICAL GIFT. THIS CREDIT
37 MAY ONLY BE CLAIMED ONCE.

38 S 3. This act shall take effect immediately.