

852

2011-2012 Regular Sessions

I N A S S E M B L Y

(PREFILED)

January 5, 2011

Introduced by M. of A. DESTITO, SCHROEDER -- read once and referred to
the Committee on Local Governments

AN ACT to amend the general municipal law, in relation to authorizing
municipalities to re-direct a portion of the real property taxes made
by certain project occupants

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

1 Section 1. The general municipal law is amended by adding a new
2 section 74-a to read as follows:
3 S 74-A. RE-DIRECTION OF REAL PROPERTY TAXES MADE BY CERTAIN PROJECT
4 OCCUPANTS. 1. ANY MUNICIPALITY MAY, UPON APPROVAL OF THE GOVERNING BODY
5 OF SUCH MUNICIPALITY, ESTABLISH A PROGRAM WHICH PROVIDES FOR A MECHANISM
6 BY WHICH THE MUNICIPALITY MAY RE-DIRECT REAL ESTATE TAX PAYMENTS, TO THE
7 EXTENT THAT SUCH PAYMENTS EXCEED THE THEN EXISTING TAXES ATTRIBUTABLE TO
8 THE INCREMENTAL INCREASE IN ASSESSED VALUE AND/OR REAL ESTATE TAX PAID
9 FOR THE SUBJECT PROPERTY. SUCH RE-DIRECTION SHALL PROVIDE, PURSUANT TO
10 AN AGREEMENT BETWEEN THE MUNICIPALITY AND THE PROJECT OWNER, THAT THE
11 OWNER WILL CAUSE THE INFRASTRUCTURE IMPROVEMENTS TO BE BUILT IN CONJUNC-
12 TION WITH AN AFFORDABLE HOUSING AND/OR ECONOMIC DEVELOPMENT PROJECT
13 APPROVED BY THE MUNICIPALITY. SUCH INFRASTRUCTURE IMPROVEMENTS SHALL
14 INCLUDE, BUT NOT BE LIMITED TO, UNDERGROUND AND OVERHEAD UTILITIES SUCH
15 AS STORM DRAINAGE OR STORM WATER MANAGEMENT MEASURES, SANITARY SEWERS,
16 WATER LINES, GAS LINES, ELECTRICAL LINES, ROAD AND TRANSPORTATION AND
17 OTHER PUBLIC INFRASTRUCTURE FACILITIES AS DEEMED BY THE MUNICIPALITY TO
18 BENEFIT THE PUBLIC GOOD. THE MUNICIPALITY SHALL CAUSE SUCH RE-DIRECTION
19 OF TAX PAYMENTS TO BE UTILIZED FOR THE EXCLUSIVE PURPOSE OF RETIRING ANY
20 DEBT INCURRED FOR THE CONSTRUCTION AND DEVELOPMENT OF THESE IMPROVE-
21 MENTS.
22 2. THE AMOUNT OF SUCH RE-DIRECTED TAX PAYMENTS SHALL BE ONE HUNDRED
23 PERCENT OF THE TOTAL COST OF THE APPROVED INFRASTRUCTURE IMPROVEMENTS,

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

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1 INCLUDING ANY INTEREST OR FINANCING COSTS DIRECTLY ATTRIBUTABLE TO THE
2 INFRASTRUCTURE FACILITIES. EACH PORTION OF SUCH PAYMENT SHALL BE TAKEN
3 DURING EACH YEAR THE PROJECT IS OBLIGATED TO PAY REAL ESTATE TAXES UNTIL
4 SUCH TIME AS THE DEBT INCURRED FOR THE DEVELOPMENT AND CONSTRUCTION OF
5 THE IMPROVEMENTS IS RETIRED.

6 3. THE RESIDUAL OF THE RE-DIRECTED PAYMENTS, AFTER THE PAYMENT OF THE
7 DEBT SERVICE, SHALL BE PAID TO THE AFFECTED TAXING JURISDICTION, AS IN
8 THE NORMAL COURSE OF PAYMENT OF REAL PROPERTY TAXES.

9 S 2. This act shall take effect immediately.