

7806--A

2013-2014 Regular Sessions

I N A S S E M B L Y

June 4, 2013

Introduced by M. of A. SILVER, FARRELL, WRIGHT, GLICK, O'DONNELL, KELLNER, QUART, RODRIGUEZ, ROSA -- Multi-Sponsored by -- M. of A. JACOBS -- read once and referred to the Committee on Ways and Means -- reported and referred to the Committee on Rules -- Rules Committee discharged, bill amended, ordered reprinted as amended and recommitted to the Committee on Rules

AN ACT to amend the tax law, in relation to exempting tangible personal property purchased by a tenant for use directly and exclusively to furnish and equip the tenant's leased premises for use as a commercial office space; 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 thereof (Part A); to amend the real property tax law and the administrative code of the city of New York, in relation to extending a real property tax abatement program for certain commercial properties in cities having a population of one million or more and in relation to extending a special reduction under the commercial rent tax in the city of New York (Part B); to amend the real property tax law and the administrative code of the city of New York, in relation to applications for tax abatements for industrial and commercial construction work on properties in a city of one million or more persons (Part C); to amend the general city law and the administrative code of the city of New York, in relation to extending the relocation and employment assistance program and the Lower Manhattan relocation and employment assistance program (Part D); to amend the general city law and the administrative code of the city of New York, in relation to extending the special rebates and discounts provided pursuant to the energy cost savings program and the Lower Manhattan energy program (Part E); to amend the administrative code of the city of New York, in relation to the amount of special reduction allowed (Part F); and to amend the real property tax law, in relation to a real estate tax abatement program for certain commercial, industrial and manufacturing properties in a city of one million or more persons (Part G)

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

LBD11345-04-3

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

1 Section 1. This act enacts into law major components of legislation
2 relating to lower Manhattan. Each component is wholly contained within
3 a Part identified as Parts A through G. The effective date for each
4 particular provision contained within such Part is set forth in the last
5 section of such Part. Any provision in any section contained within a
6 Part, including the effective date of the Part, which makes a reference
7 to a section "of this act", when used in connection with that particular
8 component, shall be deemed to mean and refer to the corresponding
9 section of the Part in which it is found. Section three of this act sets
10 forth the general effective date of this act.

11 PART A

12 Section 1. Subparagraph (A) of paragraph 7 of subdivision (ee) of
13 section 1115 of the tax law, as amended by chapter 203 of the laws of
14 2009 is amended to read as follows:

15 (A) "Tenant" means a person who, as lessee, enters into a space lease
16 with a landlord for a term of ten years or more commencing on or after
17 September first, two thousand five, but not later than, in the case of a
18 space lease with respect to leased premises located in eligible areas as
19 defined in clause (i) of subparagraph (D) of this paragraph, September
20 first, two thousand thirteen and, in the case of a space lease with
21 respect to leased premises located in eligible areas as defined in
22 clause (ii) of subparagraph (D) of this paragraph not later than Septem-
23 ber first, two thousand fifteen, of premises for use as commercial
24 office space in buildings located or to be located in the eligible
25 areas. NOTWITHSTANDING ANY PROVISION OF LAW TO THE CONTRARY, COMMENCING
26 AFTER SEPTEMBER FIRST, TWO THOUSAND THIRTEEN, "TENANT" MEANS A PERSON
27 WHO, AS LESSEE, ENTERS INTO A SPACE LEASE WITH A LANDLORD FOR A TERM OF
28 FIVE YEARS OR MORE, BUT NOT LATER THAN, IN THE CASE OF A SPACE LEASE
29 WITH RESPECT TO LEASED PREMISES LOCATED IN ELIGIBLE AREAS AS DEFINED IN
30 CLAUSE (I) OF SUBPARAGRAPH (D) OF THIS PARAGRAPH, SEPTEMBER FIRST, TWO
31 THOUSAND FIFTEEN AND, IN THE CASE OF A SPACE LEASE WITH RESPECT TO
32 LEASED PREMISES LOCATED IN ELIGIBLE AREAS AS DEFINED IN CLAUSE (II) OF
33 SUBPARAGRAPH (D) OF THIS PARAGRAPH NOT LATER THAN SEPTEMBER FIRST, TWO
34 THOUSAND SEVENTEEN, OF PREMISES FOR USE AS COMMERCIAL OFFICE SPACE IN
35 BUILDINGS LOCATED OR TO BE LOCATED IN THE ELIGIBLE AREAS.

36 A person who currently occupies premises for use as commercial office
37 space under an existing lease in a building in the eligible areas shall
38 not be eligible for exemption under this subdivision unless such exist-
39 ing lease, in the case of a space lease with respect to leased premises
40 located in eligible areas as defined in clause (i) of subparagraph (D)
41 of this paragraph expires according to its terms before September first,
42 two thousand thirteen or such existing lease, in the case of a space
43 lease with respect to leased premises located in eligible areas as
44 defined in clause (ii) of subparagraph (D) of this paragraph and such
45 person enters into a space lease, for a term of ten years or more
46 commencing on or after September first, two thousand five, of premises
47 for use as commercial office space in a building located or to be
48 located in the eligible areas, provided that such space lease with
49 respect to leased premises located in eligible areas as defined in
50 clause (i) of subparagraph (D) of this paragraph commences no later than
51 September first, two thousand thirteen, and provided that such space

1 lease with respect to leased premises located in eligible areas as
2 defined in clause (ii) of subparagraph (D) of this paragraph commences
3 no later than September first, two thousand fifteen and provided,
4 further, that such space lease shall expire no earlier than ten years
5 after the expiration of the original lease. NOTWITHSTANDING ANY
6 PROVISION OF LAW TO THE CONTRARY, AFTER SEPTEMBER FIRST, TWO THOUSAND
7 THIRTEEN, A TENANT WHO CURRENTLY OCCUPIES PREMISES FOR USE AS COMMERCIAL
8 OFFICE SPACE UNDER AN EXISTING LEASE IN A BUILDING IN THE ELIGIBLE AREAS
9 SHALL NOT BE ELIGIBLE FOR EXEMPTION UNDER THIS SUBDIVISION UNLESS SUCH
10 EXISTING LEASE, IN THE CASE OF A SPACE LEASE WITH RESPECT TO LEASED
11 PREMISES LOCATED IN ELIGIBLE AREAS AS DEFINED IN CLAUSE (I) OF SUBPARA-
12 GRAPH (D) OF THIS PARAGRAPH EXPIRES ACCORDING TO ITS TERMS BEFORE
13 SEPTEMBER FIRST, TWO THOUSAND FIFTEEN OR SUCH EXISTING LEASE, IN THE
14 CASE OF A SPACE LEASE WITH RESPECT TO LEASED PREMISES LOCATED IN ELIGI-
15 BLE AREAS AS DEFINED IN CLAUSE (II) OF SUBPARAGRAPH (D) OF THIS PARA-
16 GRAPH EXPIRES ACCORDING TO ITS TERMS BEFORE SEPTEMBER FIRST, TWO THOU-
17 SAND SEVENTEEN, PROVIDED THAT SUCH SPACE LEASE WITH RESPECT TO LEASED
18 PREMISES LOCATED IN ELIGIBLE AREAS AS DEFINED IN CLAUSE (I) OF SUBPARA-
19 GRAPH (D) OF THIS PARAGRAPH COMMENCES NO LATER THAN SEPTEMBER FIRST, TWO
20 THOUSAND FIFTEEN, AND PROVIDED THAT SUCH SPACE LEASE WITH RESPECT TO
21 LEASED PREMISES LOCATED IN ELIGIBLE AREAS AS DEFINED IN CLAUSE (II) OF
22 SUBPARAGRAPH (D) OF THIS PARAGRAPH COMMENCES NO LATER THAN SEPTEMBER
23 FIRST, TWO THOUSAND SEVENTEEN AND PROVIDED, FURTHER, THAT SUCH SPACE
24 LEASE SHALL EXPIRE NO EARLIER THAN FIVE YEARS AFTER THE EXPIRATION ON
25 THE ORIGINAL LEASE.

26 S 2. Section 2 of part C of chapter 2 of the laws of 2005 amending the
27 tax law relating to exemptions from sales and use taxes, as amended by
28 chapter 203 of the laws of 2009, is amended to read as follows:

29 S 2. This act shall take effect September 1, 2005 and shall expire and
30 be deemed repealed on December 1, [2016] 2018, and shall apply to sales
31 made, uses occurring and services rendered on or after such effective
32 date, in accordance with the applicable transitional provisions of
33 sections 1106 and 1217 of the tax law; except that clause (i) of subpar-
34 agraph (D) of paragraph seven of subdivision (ee) of section 1115 of the
35 tax law, as added by section one of this act, shall expire and be deemed
36 repealed December 1, [2014] 2016.

37 S 3. This act shall take effect immediately; provided, however, that
38 the amendments to subparagraph (A) of paragraph 7 of subdivision (ee) of
39 section 1115 of the tax law made by section one of this act shall not
40 affect the repeal of such subdivision and shall be deemed repealed ther-
41 ewith.

42 PART B

43 Section 1. Subdivisions 5 and 9 of section 499-a of the real property
44 tax law, as amended by chapter 22 of the laws of 2010, are amended to
45 read as follows:

46 5. "Benefit period." The period commencing with the first day of the
47 month immediately following the rent commencement date and terminating
48 no later than sixty months thereafter, provided, however, that with
49 respect to a lease commencing on or after April first, nineteen hundred
50 ninety-seven with an initial lease term of less than five years, but not
51 less than three years, the period commencing with the first day of the
52 month immediately following the rent commencement date and terminating
53 no later than thirty-six months thereafter. Notwithstanding the forego-

ing sentence, a benefit period shall expire no later than March thirty-first, two thousand [twenty] TWENTY-TWO.

9. "Eligibility period." The period commencing April first, nineteen hundred ninety-five and terminating March thirty-first, two thousand [fourteen] SIXTEEN.

S 2. Paragraph (a) of subdivision 3 of section 499-c of the real property tax law, as amended by chapter 22 of the laws of 2010, is amended to read as follows:

(a) For purposes of determining whether the amount of expenditures required by subdivision one of this section have been satisfied, expenditures on improvements to the common areas of an eligible building shall be included only if work on such improvements commenced and the expenditures are made on or after April first, nineteen hundred ninety-five and on or before September thirtieth, two thousand [fourteen] SIXTEEN; provided, however, that expenditures on improvements to the common areas of an eligible building made prior to three years before the lease commencement date shall not be included.

S 3. Subdivision 8 of section 499-d of the real property tax law, as amended by chapter 22 of the laws of 2010, is amended to read as follows:

8. Leases commencing on or after April first, nineteen hundred ninety-seven shall be subject to the provisions of this title as amended by chapter six hundred twenty-nine of the laws of nineteen hundred ninety-seven, chapter one hundred eighteen of the laws of two thousand one, chapter four hundred forty of the laws of two thousand three, chapter sixty of the laws of two thousand seven [and the], chapter TWENTY-TWO of the laws of two thousand ten [that added this phrase] AND THE CHAPTER OF THE LAWS OF TWO THOUSAND THIRTEEN THAT ADDED THIS PHRASE. Notwithstanding any other provision of law to the contrary, with respect to leases commencing on or after April first, nineteen hundred ninety-seven, an application for a certificate of abatement shall be considered timely filed if filed within one hundred eighty days following the lease commencement date or within sixty days following the date chapter six hundred twenty-nine of the laws of nineteen hundred ninety-seven became a law, whichever is later.

S 4. Subparagraph (a) of paragraph 2 of subdivision i of section 11-704 of the administrative code of the city of New York, as amended by chapter 22 of the laws of 2010, is amended to read as follows:

(a) An eligible tenant of eligible taxable premises shall be allowed a special reduction in determining the taxable base rent for such eligible taxable premises. Such special reduction shall be allowed with respect to the rent for such eligible taxable premises for a period not exceeding sixty months or, with respect to a lease commencing on or after April first, nineteen hundred ninety-seven with an initial lease term of less than five years, but not less than three years, for a period not exceeding thirty-six months, commencing on the rent commencement date applicable to such eligible taxable premises, provided, however, that in no event shall any special reduction be allowed for any period beginning after March thirty-first, two thousand [twenty] TWENTY-TWO. For purposes of applying such special reduction, the base rent for the base year shall, where necessary to determine the amount of the special reduction allowable with respect to any number of months falling within a tax period, be prorated by dividing the base rent for the base year by twelve and multiplying the result by such number of months.

S 5. This act shall take effect immediately.

1

PART C

2 Section 1. Paragraph (a) of subdivision 1 of section 489-ddddddd of the
3 real property tax law, as amended by chapter 28 of the laws of 2011, is
4 amended to read as follows:

5 (a) Application for benefits pursuant to this title may be made imme-
6 diately following the effective date of a local law enacted pursuant to
7 this title and continuing until March first, two thousand [fifteen]
8 SEVENTEEN.

9 S 2. Subdivision 3 of section 489-ddddddd of the real property tax
10 law, as added by chapter 28 of the laws of 2011, is amended to read as
11 follows:

12 3. (a) No benefits pursuant to this title shall be granted for
13 construction work performed pursuant to a building permit issued after
14 April first, two thousand [fifteen] SEVENTEEN.

15 (b) If no building permit was required, then no benefits pursuant to
16 this title shall be granted for construction work that is commenced
17 after April first, two thousand [fifteen] SEVENTEEN.

18 S 3. Paragraph 1 of subdivision a of section 11-271 of the adminis-
19 trative code of the city of New York, as amended by chapter 28 of the
20 laws of 2011, is amended to read as follows:

21 (1) Application for benefits pursuant to this part may be made imme-
22 diately following the effective date of the local law that added this
23 section and continuing until March first, two thousand [fifteen] SEVEN-
24 TEEN.

25 S 4. Subdivision c of section 11-271 of the administrative code of
26 the city of New York, as added by chapter 28 of the laws of 2011, is
27 amended to read as follows:

28 c. (1) No benefits pursuant to this part shall be granted for
29 construction work performed pursuant to a building permit issued after
30 April first, two thousand [fifteen] SEVENTEEN.

31 (2) If no building permit was required, then no benefits pursuant to
32 this part shall be granted for construction work that is commenced after
33 April first, two thousand [fifteen] SEVENTEEN.

34 S 5. This act shall take effect immediately.

35

PART D

36 Section 1. Subdivision (b) of section 25-z of the general city law, as
37 amended by chapter 131 of the laws of 2008, is amended to read as
38 follows:

39 (b) No eligible business shall be authorized to receive a credit under
40 any local law enacted pursuant to this article until the premises with
41 respect to which it is claiming the credit meet the requirements in the
42 definition of eligible premises and until it has obtained a certifi-
43 cation of eligibility from the mayor of such city or an agency desig-
44 nated by such mayor, and an annual certification from such mayor or an
45 agency designated by such mayor as to the number of eligible aggregate
46 employment shares maintained by such eligible business that may qualify
47 for obtaining a tax credit for the eligible business' taxable year. Any
48 written documentation submitted to such mayor or such agency or agencies
49 in order to obtain any such certification shall be deemed a written
50 instrument for purposes of section 175.00 of the penal law. Such local
51 law may provide for application fees to be determined by such mayor or
52 such agency or agencies. No such certification of eligibility shall be
53 issued under any local law enacted pursuant to this article to an eligi-

ble business on or after July first, two thousand [thirteen] FIFTEEN unless:

(1) prior to such date such business has purchased, leased or entered into a contract to purchase or lease particular premises or a parcel on which will be constructed such premises or already owned such premises or parcel;

(2) prior to such date improvements have been commenced on such premises or parcel, which improvements will meet the requirements of subdivision (e) of section twenty-five-y of this article relating to expenditures for improvements;

(3) prior to such date such business submits a preliminary application for a certification of eligibility to such mayor or such agency or agencies with respect to a proposed relocation to such particular premises; and

(4) such business relocates to such particular premises not later than thirty-six months or, in a case in which the expenditures made for the improvements specified in paragraph two of this subdivision are in excess of fifty million dollars within seventy-two months from the date of submission of such preliminary application.

S 2. Subdivision (b) of section 25-ee of the general city law, as amended by chapter 131 of the laws of 2008, is amended to read as follows:

(b) No eligible business or special eligible business shall be authorized to receive a credit against tax under any local law enacted pursuant to this article until the premises with respect to which it is claiming the credit meet the requirements in the definition of eligible premises and until it has obtained a certification of eligibility from the mayor of such city or any agency designated by such mayor, and an annual certification from such mayor or an agency designated by such mayor as to the number of eligible aggregate employment shares maintained by such eligible business or such special eligible business that may qualify for obtaining a tax credit for the eligible business' taxable year. No special eligible business shall be authorized to receive a credit against tax under the provisions of this article unless the number of relocated employee base shares calculated pursuant to subdivision (o) of section twenty-five-dd of this article is equal to or greater than the lesser of twenty-five percent of the number of New York city base shares calculated pursuant to subdivision (p) of such section and two hundred fifty employment shares. Any written documentation submitted to such mayor or such agency or agencies in order to obtain any such certification shall be deemed a written instrument for purposes of section 175.00 of the penal law. Such local law may provide for application fees to be determined by such mayor or such agency or agencies. No certification of eligibility shall be issued under any local law enacted pursuant to this article to an eligible business on or after July first, two thousand [thirteen] FIFTEEN unless:

(1) prior to such date such business has purchased, leased or entered into a contract to purchase or lease premises in the eligible Lower Manhattan area or a parcel on which will be constructed such premises;

(2) prior to such date improvements have been commenced on such premises or parcel, which improvements will meet the requirements of subdivision (e) of section twenty-five-dd of this article relating to expenditures for improvements;

(3) prior to such date such business submits a preliminary application for a certification of eligibility to such mayor or such agency or agencies with respect to a proposed relocation to such premises; and

(4) such business relocates to such premises as provided in subdivision (j) of section twenty-five-dd of this article not later than thirty-six months or, in a case in which the expenditures made for the improvements specified in paragraph two of this subdivision are in excess of fifty million dollars within seventy-two months from the date of submission of such preliminary application.

S 3. Subdivision (b) of section 22-622 of the administrative code of the city of New York, as amended by chapter 131 of the laws of 2008, is amended to read as follows:

(b) No eligible business shall be authorized to receive a credit against tax or a reduction in base rent subject to tax under the provisions of this chapter, and of title eleven of the code as described in subdivision (a) of this section, until the premises with respect to which it is claiming the credit meet the requirements in the definition of eligible premises and until it has obtained a certification of eligibility from the mayor or an agency designated by the mayor, and an annual certification from the mayor or an agency designated by the mayor as to the number of eligible aggregate employment shares maintained by such eligible business that may qualify for obtaining a tax credit for the eligible business' taxable year. Any written documentation submitted to the mayor or such agency or agencies in order to obtain any such certification shall be deemed a written instrument for purposes of section 175.00 of the penal law. Application fees for such certifications shall be determined by the mayor or such agency or agencies. No certification of eligibility shall be issued to an eligible business on or after July first, two thousand [thirteen] FIFTEEN unless:

(1) prior to such date such business has purchased, leased or entered into a contract to purchase or lease particular premises or a parcel on which will be constructed such premises or already owned such premises or parcel;

(2) prior to such date improvements have been commenced on such premises or parcel which improvements will meet the requirements of subdivision (e) of section 22-621 of this chapter relating to expenditures for improvements;

(3) prior to such date such business submits a preliminary application for a certification of eligibility to such mayor or such agency or agencies with respect to a proposed relocation to such particular premises; and

(4) such business relocates to such particular premises not later than thirty-six months or, in a case in which the expenditures made for improvements specified in paragraph two of this subdivision are in excess of fifty million dollars within seventy-two months from the date of submission of such preliminary application.

S 4. Subdivision (b) of section 22-624 of the administrative code of the city of New York, as amended by chapter 131 of the laws of 2008, is amended to read as follows:

(b) No eligible business or special eligible business shall be authorized to receive a credit against tax under the provisions of this chapter, and of title eleven of the code as described in subdivision (a) of this section, until the premises with respect to which it is claiming the credit meet the requirements in the definition of eligible premises and until it has obtained a certification of eligibility from the mayor or an agency designated by the mayor, and an annual certification from the mayor or an agency designated by the mayor as to the number of eligible aggregate employment shares maintained by such eligible business or special eligible business that may qualify for obtaining a tax

credit for the eligible business' taxable year. No special eligible business shall be authorized to receive a credit against tax under the provisions of this chapter and of title eleven of the code unless the number of relocated employee base shares calculated pursuant to subdivision (o) of section 22-623 of this chapter is equal to or greater than the lesser of twenty-five percent of the number of New York city base shares calculated pursuant to subdivision (p) of such section 22-623, and two hundred fifty employment shares. Any written documentation submitted to the mayor or such agency or agencies in order to obtain any such certification shall be deemed a written instrument for purposes of section 175.00 of the penal law. Application fees for such certifications shall be determined by the mayor or such agency or agencies. No certification of eligibility shall be issued to an eligible business on or after July first, two thousand [thirteen] FIFTEEN unless:

(1) prior to such date such business has purchased, leased or entered into a contract to purchase or lease premises in the eligible Lower Manhattan area or a parcel on which will be constructed such premises;

(2) prior to such date improvements have been commenced on such premises or parcel, which improvements will meet the requirements of subdivision (e) of section 22-623 of this chapter relating to expenditures for improvements;

(3) prior to such date such business submits a preliminary application for a certification of eligibility to such mayor or such agency or agencies with respect to a proposed relocation to such premises; and

(4) such business relocates to such premises not later than thirty-six months or, in a case in which the expenditures made for the improvements specified in paragraph two of this subdivision are in excess of fifty million dollars within seventy-two months from the date of submission of such preliminary application.

S 5. This act shall take effect immediately.

PART E

Section 1. Paragraph 1 of subdivision (b) of section 25-s of the general city law, as amended by chapter 406 of the laws of 2010, is amended to read as follows:

(1) non-residential premises that are wholly contained in property that is eligible to obtain benefits under title two-D or two-F of article four of the real property tax law, or would be eligible to receive benefits under such article except that such property is exempt from real property taxation and the requirements of paragraph (b) of subdivision seven of section four hundred eighty-nine-dddd of such title two-D, or the requirements of subparagraph (ii) of paragraph (b) of subdivision five of section four hundred eighty-nine-cccccc of such title two-F, whichever is applicable, have not been satisfied, provided that application for such benefits was made after May third, nineteen hundred eighty-five and prior to July first, two thousand [thirteen] FIFTEEN, that construction or renovation of such premises was described in such application, that such premises have been substantially improved by such construction or renovation so described, that the minimum required expenditure as defined in such title two-D or two-F, whichever is applicable, has been made, and that such real property is located in an eligible area; or

S 2. Paragraph 3 of subdivision (b) of section 25-s of the general city law, as amended by chapter 406 of the laws of 2010, is amended to read as follows:

1 (3) non-residential premises that are wholly contained in real proper-
2 ty that has obtained approval after October thirty-first, two thousand
3 and prior to July first, two thousand [thirteen] FIFTEEN for financing
4 by an industrial development agency established pursuant to article
5 eighteen-A of the general municipal law, provided that such financing
6 has been used in whole or in part to substantially improve such premises
7 (by construction or renovation), and that expenditures have been made
8 for improvements to such real property in excess of ten per centum of
9 the value at which such real property was assessed for tax purposes for
10 the tax year in which such improvements commenced, that such expendi-
11 tures have been made within thirty-six months after the earlier of (i)
12 the issuance by such agency of bonds for such financing, or (ii) the
13 conveyance of title to such property to such agency, and that such real
14 property is located in an eligible area; or

15 S 3. Paragraph 5 of subdivision (b) of section 25-s of the general
16 city law, as amended by chapter 406 of the laws of 2010, is amended to
17 read as follows:

18 (5) non-residential premises that are wholly contained in real proper-
19 ty owned by such city or the New York state urban development corpo-
20 ration, or a subsidiary thereof, a lease for which was approved in
21 accordance with the applicable provisions of the charter of such city or
22 by the board of directors of such corporation, and such approval was
23 obtained after October thirty-first, two thousand and prior to July
24 first, two thousand [thirteen] FIFTEEN, provided, however, that such
25 premises were constructed or renovated subsequent to such approval, that
26 expenditures have been made subsequent to such approval for improvements
27 to such real property (by construction or renovation) in excess of ten
28 per centum of the value at which such real property was assessed for tax
29 purposes for the tax year in which such improvements commenced, that
30 such expenditures have been made within thirty-six months after the
31 effective date of such lease, and that such real property is located in
32 an eligible area; or

33 S 4. Paragraph 2 of subdivision (c) of section 25-t of the general
34 city law, as amended by chapter 406 of the laws of 2010, is amended to
35 read as follows:

36 (2) No eligible energy user, qualified eligible energy user, on-site
37 cogenerator, or clean on-site cogenerator shall receive a rebate pursu-
38 ant to this article until it has obtained a certification from the
39 appropriate city agency in accordance with a local law enacted pursuant
40 to this section. No such certification for a qualified eligible energy
41 user shall be issued on or after November first, two thousand. No such
42 certification of any other eligible energy user, on-site cogenerator, or
43 clean on-site cogenerator shall be issued on or after July first, two
44 thousand [thirteen] FIFTEEN.

45 S 5. Paragraph 1 of subdivision (a) of section 25-aa of the general
46 city law, as amended by chapter 406 of the laws of 2010, is amended to
47 read as follows:

48 (1) is eligible to obtain benefits under title two-D or two-F of arti-
49 cle four of the real property tax law, or would be eligible to receive
50 benefits under such title except that such property is exempt from real
51 property taxation and the requirements of paragraph (b) of subdivision
52 seven of section four hundred eighty-nine-dddd of such title two-D, or
53 the requirements of subparagraph (ii) of paragraph (b) of subdivision
54 five of section four hundred eighty-nine-ccccc of such title two-F,
55 whichever is applicable, of the real property tax law have not been
56 satisfied, provided that application for such benefits was made after

1 the thirtieth day of June, nineteen hundred ninety-five and before the
2 first day of July, two thousand [thirteen] FIFTEEN, that construction or
3 renovation of such building or structure was described in such applica-
4 tion, that such building or structure has been substantially improved by
5 such construction or renovation, and (i) that the minimum required
6 expenditure as defined in such title has been made, or (ii) where there
7 is no applicable minimum required expenditure, the building was
8 constructed within such period or periods of time established by title
9 two-D or two-F, whichever is applicable, of article four of the real
10 property tax law for construction of a new building or structure; or

11 S 6. Paragraphs 2 and 3 of subdivision (a) of section 25-aa of the
12 general city law, as amended by chapter 406 of the laws of 2010, are
13 amended to read as follows:

14 (2) has obtained approval after the thirtieth day of June, nineteen
15 hundred ninety-five and before the first day of July, two thousand
16 [thirteen] FIFTEEN, for financing by an industrial development agency
17 established pursuant to article eighteen-A of the general municipal law,
18 provided that such financing has been used in whole or in part to
19 substantially improve such building or structure by construction or
20 renovation, that expenditures have been made for improvements to such
21 real property in excess of twenty per centum of the value at which such
22 real property was assessed for tax purposes for the tax year in which
23 such improvements commenced, and that such expenditures have been made
24 within thirty-six months after the earlier of (i) the issuance by such
25 agency of bonds for such financing, or (ii) the conveyance of title to
26 such building or structure to such agency; or

27 (3) is owned by the city of New York or the New York state urban
28 development corporation, or a subsidiary corporation thereof, a lease
29 for which was approved in accordance with the applicable provisions of
30 the charter of such city or by the board of directors of such corpo-
31 ration, as the case may be, and such approval was obtained after the
32 thirtieth day of June, nineteen hundred ninety-five and before the first
33 day of July, two thousand [thirteen] FIFTEEN, provided that expenditures
34 have been made for improvements to such real property in excess of twen-
35 ty per centum of the value at which such real property was assessed for
36 tax purposes for the tax year in which such improvements commenced, and
37 that such expenditures have been made within thirty-six months after the
38 effective date of such lease; or

39 S 7. Subdivision (f) of section 25-bb of the general city law, as
40 amended by chapter 406 of the laws of 2010, is amended to read as
41 follows:

42 (f) Application and certification. An owner or lessee of a building or
43 structure located in an eligible revitalization area, or an agent of
44 such owner or lessee, may apply to such department of small business
45 services for certification that such building or structure is an eligi-
46 ble building or targeted eligible building meeting the criteria of
47 subdivision (a) or (q) of section twenty-five-aa of this article.
48 Application for such certification must be filed after the thirtieth day
49 of June, nineteen hundred ninety-five and before a building permit is
50 issued for the construction or renovation required by such subdivisions
51 and before the first day of July, two thousand [thirteen] FIFTEEN,
52 provided that no certification for a targeted eligible building shall be
53 issued after October thirty-first, two thousand. Such application shall
54 identify expenditures to be made that will affect eligibility under such
55 subdivision (a) or (q). Upon completion of such expenditures, an appli-
56 cant shall supplement such application to provide information (i) estab-

1 lishing that the criteria of such subdivision (a) or (q) have been met;
2 (ii) establishing a basis for determining the amount of special rebates,
3 including a basis for an allocation of the special rebate among eligible
4 revitalization area energy users purchasing or otherwise receiving ener-
5 gy services from an eligible redistributor of energy or a qualified
6 eligible redistributor of energy; and (iii) supporting an allocation of
7 charges for energy services between eligible charges and other charges.
8 Such department shall certify a building or structure as an eligible
9 building or targeted eligible building after receipt and review of such
10 information and upon a determination that such information establishes
11 that the building or structure qualifies as an eligible building or
12 targeted eligible building. Such department shall mail such certif-
13 ication or notice thereof to the applicant upon issuance. Such certif-
14 ication shall remain in effect provided the eligible redistributor of
15 energy or qualified eligible redistributor of energy reports any changes
16 that materially affect the amount of the special rebates to which it is
17 entitled or the amount of reduction required by subdivision (c) of this
18 section in an energy services bill of an eligible revitalization area
19 energy user and otherwise complies with the requirements of this arti-
20 cle. Such department shall notify the private utility or public utility
21 service required to make a special rebate to such redistributor of the
22 amount of such special rebate established at the time of certification
23 and any changes in such amount and any suspension or termination by such
24 department of certification under this subdivision. Such department may
25 require some or all of the information required as part of an applica-
26 tion or other report be provided by a licensed engineer.

27 S 8. Paragraph 1 of subdivision (i) of section 22-601 of the adminis-
28 trative code of the city of New York, as amended by chapter 406 of the
29 laws of 2010, is amended to read as follows:

30 (1) Non-residential premises that are wholly contained in property
31 that is eligible to obtain benefits under part four or part five of
32 subchapter two of chapter two of title eleven of this code, or would be
33 eligible to receive benefits under such chapter except that such proper-
34 ty is exempt from real property taxation and the requirements of para-
35 graph two of subdivision g of section 11-259 of this code, or the
36 requirements of subparagraph (b) of paragraph two of subdivision e of
37 section 11-270 of this code, whichever is applicable, have not been
38 satisfied, provided that application for such benefits was made after
39 May third, nineteen hundred eighty-five and prior to July first, two
40 thousand [thirteen] FIFTEEN, that construction or renovation of such
41 premises was described in such application, that such premises have been
42 substantially improved by such construction or renovation so described,
43 that the minimum required expenditure as defined in such part four or
44 part five, whichever is applicable, has been made, and that such real
45 property is located in an eligible area; or

46 S 9. Paragraph 3 of subdivision (i) of section 22-601 of the adminis-
47 trative code of the city of New York, as amended by chapter 406 of the
48 laws of 2010, is amended to read as follows:

49 (3) non-residential premises that are wholly contained in real proper-
50 ty that has obtained approval after October thirty-first, two thousand
51 and prior to July first, two thousand [thirteen] FIFTEEN for financing
52 by an industrial development agency established pursuant to article
53 eighteen-A of the general municipal law, provided that such financing
54 has been used in whole or in part to substantially improve such premises
55 (by construction or renovation), and that expenditures have been made
56 for improvements to such real property in excess of ten per centum of

the value at which such real property was assessed for tax purposes for the tax year in which such improvements commenced, that such expenditures have been made within thirty-six months after the earlier of (i) the issuance by such agency of bonds for such financing, or (ii) the conveyance of title to such property to such agency, and that such real property is located in an eligible area; or

S 10. Paragraph 5 of subdivision (i) of section 22-601 of the administrative code of the city of New York, as amended by chapter 406 of the laws of 2010, is amended to read as follows:

(5) non-residential premises that are wholly contained in real property owned by such city or the New York state urban development corporation, or a subsidiary thereof, a lease for which was approved in accordance with the applicable provisions of the charter of such city or by the board of directors of such corporation, and such approval was obtained after October thirty-first, two thousand and prior to July first, two thousand [thirteen] FIFTEEN, provided, however, that such premises were constructed or renovated subsequent to such approval, that expenditures have been made subsequent to such approval for improvements to such real property (by construction or renovation) in excess of ten per centum of the value at which such real property was assessed for tax purposes for the tax year in which such improvements commenced, that such expenditures have been made within thirty-six months after the effective date of such lease, and that such real property is located in an eligible area; or

S 11. Paragraph 1 of subdivision (c) of section 22-602 of the administrative code of the city of New York, as amended by chapter 406 of the laws of 2010, is amended to read as follows:

(1) No eligible energy user, qualified eligible energy user, on-site cogenerator, clean on-site cogenerator or special eligible energy user shall receive a rebate pursuant to this chapter until it has obtained a certification as an eligible energy user, qualified eligible energy user, on-site cogenerator, clean on-site cogenerator or special eligible energy user, respectively, from the commissioner of small business services. No such certification for a qualified eligible energy user shall be issued on or after July first, two thousand three. No such certification of any other eligible energy user, on-site cogenerator or clean on-site cogenerator shall be issued on or after July first, two thousand [thirteen] FIFTEEN. The commissioner of small business services, after notice and hearing, may revoke a certification issued pursuant to this subdivision where it is found that eligibility criteria have not been met or that compliance with conditions for continued eligibility has not been maintained. The corporation counsel may maintain a civil action to recover an amount equal to any benefits improperly obtained.

S 12. This act shall take effect immediately.

PART F

Section 1. Subparagraph (b-2) of paragraph 2 of subdivision i of section 11-704 of the administrative code of the city of New York, as amended by chapter 203 of the laws of 2009, is amended to read as follows:

(b-2) The amount of the special reduction allowed by this subdivision with respect to a lease other than a sublease commencing between July first, two thousand five and June thirtieth, two thousand [thirteen]

1 FIFTEEN with an initial or renewal lease term of at least five years
2 shall be determined as follows:

3 (i) For the base year the amount of such special reduction shall be
4 equal to the base rent for the base year.

5 (ii) For the first, second, third and fourth twelve-month periods
6 following the base year the amount of such special reduction shall be
7 equal to the lesser of (A) the base rent for each such twelve-month
8 period or (B) the base rent for the base year.

9 S 2. This act shall take effect immediately.

10 PART G

11 Section 1. Subdivision 9 of section 499-aa of the real property tax
12 law, as amended by chapter 306 of the laws of 2010, is amended to read
13 as follows:

14 9. "Eligibility period." The period commencing April first, nineteen
15 hundred ninety-five and terminating March thirty-first, two thousand
16 one, provided, however, that with respect to eligible premises defined
17 in subparagraph (i) of paragraph (b) of subdivision ten of this section,
18 the period commencing July first, two thousand and terminating June
19 thirtieth, two thousand [fourteen] SIXTEEN, and provided, further,
20 however, that with respect to eligible premises defined in subparagraph
21 (ii) of paragraph (b) or paragraph (c) of subdivision ten of this
22 section, the period commencing July first, two thousand five and termi-
23 nating June thirtieth, two thousand [fourteen] SIXTEEN.

24 S 2. Subparagraph (iii) of paragraph (a) of subdivision 3 of section
25 499-cc of the real property tax law, as amended by chapter 306 of the
26 laws of 2010, is amended to read as follows:

27 (iii) With respect to the eligible premises defined in subparagraph
28 (ii) of paragraph (b) or paragraph (c) of subdivision ten of section
29 four hundred ninety-nine-aa of this title and for purposes of determin-
30 ing whether the amount of expenditures required by subdivision one of
31 this section have been satisfied, expenditures on improvements to the
32 common areas of an eligible building shall be included only if work on
33 such improvements commenced and the expenditures are made on or after
34 July first, two thousand five and on or before December thirty-first,
35 two thousand [fourteen] SIXTEEN; provided, however, that expenditures on
36 improvements to the common areas of an eligible building made prior to
37 three years before the lease commencement date shall not be included.

38 S 3. This act shall take effect immediately.

39 S 2. Severability clause. If any clause, sentence, paragraph, subdivi-
40 sion, section or part of this act shall be adjudged by any court of
41 competent jurisdiction to be invalid, such judgment shall not affect,
42 impair, or invalidate the remainder thereof, but shall be confined in
43 its operation to the clause, sentence, paragraph, subdivision, section
44 or part thereof directly involved in the controversy in which such judg-
45 ment shall have been rendered. It is hereby declared to be the intent of
46 the legislature that this act would have been enacted even if such
47 invalid provisions had not been included herein.

48 S 3. This act shall take effect immediately provided, however, that
49 the applicable effective date of Parts A through G of this act shall be
50 as specifically set forth in the last section of such Parts.