

1722

2013-2014 Regular Sessions

I N A S S E M B L Y

(PREFILED)

January 9, 2013

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

AN ACT to amend the general municipal law, in relation to payments in
lieu of taxes for projects approved by the town of Hempstead indus-
trial development agency and the Nassau county industrial agency

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

1 Section 1. The opening paragraph of section 905 of the general munici-
2 pal law is designated subdivision 1 and three new subdivisions 2, 3 and
3 4 are added to read as follows:
4 2. PRIOR TO THE APPROVAL OF ANY APPLICATION FOR A PAYMENT IN LIEU OF
5 TAXES (HEREINAFTER REFERRED TO IN THIS SECTION AS "PILOT") AGREEMENT BY
6 THE AGENCY FOR A PROJECT LOCATED IN THE VILLAGE OF FREEPORT OR THE
7 VILLAGE OF HEMPSTEAD, THE WRITTEN CONSENT OF THE CHIEF EXECUTIVE OFFICER
8 OF THE AFFECTED VILLAGE SHALL BE OBTAINED. THE AGENCY SHALL ALSO OBTAIN
9 THE APPROVAL, BY THREE-FIFTHS MAJORITY, OF THE VILLAGE GOVERNING BODY
10 PRIOR TO ANY PILOT AGREEMENT BEING APPROVED BY THE AGENCY FOR A PROJECT
11 LOCATED IN THE VILLAGE OF FREEPORT OR THE VILLAGE OF HEMPSTEAD. IN ADDI-
12 TION, THE AGENCY SHALL OBTAIN AN IMPACT ANALYSIS TO DETERMINE THE IMPACT
13 ON THE VILLAGE OF THE PROJECT AND THE PLANNED PILOT AGREEMENT. THE
14 APPLICANT FOR SUCH PILOT AGREEMENT SHALL BEAR THE COSTS RELATED TO THE
15 REQUIRED IMPACT ANALYSIS. THE AGENCY AND THE VILLAGE GOVERNING BODY
16 SHALL JOINTLY SELECT A QUALIFIED ENTITY TO CONDUCT THE IMPACT ANALYSIS.
17 THE MEMBERSHIP OF THE AGENCY, WHEN REVIEWING APPLICATIONS AND APPROVING
18 PILOT AGREEMENTS FOR PROJECTS LOCATED IN THE VILLAGE OF FREEPORT OR THE
19 VILLAGE OF HEMPSTEAD, SHALL INCLUDE AT LEAST ONE MEMBER OF SUCH
20 VILLAGE'S GOVERNING BODY AND AT LEAST THREE AT LARGE MEMBERS DRAWN FROM
21 A CROSS SECTION OF THE VILLAGE COMMUNITY.
22 3. THE AGENCY SHALL REVIEW ANY PILOT AGREEMENT FOR A PROJECT LOCATED
23 IN THE VILLAGE OF FREEPORT OR THE VILLAGE OF HEMPSTEAD AFTER THE THIRD

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

LBD05704-01-3

1 YEAR OF ENTERING INTO SUCH PILOT AGREEMENT, AND EVERY THIRD YEAR THERE-
2 AFTER, AND ADJUST THE PILOT AGREEMENT ACCORDINGLY BASED ON CHANGES TO
3 THE ASSESSED VALUE AND TAX RATE OF ALL OTHER REAL PROPERTIES LOCATED IN
4 SUCH VILLAGES. THE AGENCY SHALL PROVIDE A WRITTEN REPORT TO THE VILLAGE
5 OF FREEPORT AND THE VILLAGE OF HEMPSTEAD DOCUMENTING ANY AND ALL VARI-
6 ANCES OR CHANGES TO THE PROJECTED REVENUES OF SUCH VILLAGES FROM ANY
7 SUCH PILOT AGREEMENT.

8 4. A PILOT AGREEMENT FOR A PROJECT LOCATED IN THE VILLAGE OF FREEPORT
9 OR THE VILLAGE OF HEMPSTEAD SHALL NOT BE RENEWED OR RENEGOTIATED UNTIL A
10 FULL AUDIT HAS BEEN COMPLETED OF THE ACCOUNTS OF THE PARTY OBLIGATED TO
11 MAKE PAYMENTS IN LIEU OF TAXES PURSUANT TO THE PILOT AGREEMENT WITH THE
12 AGENCY. THE AGENCY AND THE VILLAGE GOVERNING BODY SHALL JOINTLY CHOOSE A
13 QUALIFIED ENTITY TO CONDUCT SUCH AUDIT. THE PARTY THAT IS OBLIGATED TO
14 MAKE PAYMENTS IN LIEU OF TAXES PURSUANT TO THE PILOT AGREEMENT WITH THE
15 AGENCY SHALL BEAR THE COSTS OF PREPARING SUCH AUDIT. THE VILLAGE OF
16 FREEPORT OR THE VILLAGE OF HEMPSTEAD MAY REQUEST FROM THE OFFICE OF THE
17 STATE COMPTROLLER AN AUDIT OR REVIEW OF THE AUDIT PRIOR TO THE RENEWAL
18 OR RENEGOTIATION OF A PILOT AGREEMENT FOR A PROJECT LOCATED IN THE
19 VILLAGE OF FREEPORT OR THE VILLAGE OF HEMPSTEAD.

20 S 2. The opening paragraph of section 922 of the general municipal
21 law, as amended by chapter 474 of the laws of 1988, is designated subdi-
22 vision 1 and three new subdivisions 2, 3 and 4 are added to read as
23 follows:

24 2. PRIOR TO THE APPROVAL OF ANY APPLICATION FOR A PAYMENT IN LIEU OF
25 TAXES (HEREINAFTER REFERRED TO IN THIS SECTION AS "PILOT") AGREEMENT BY
26 THE AGENCY FOR A PROJECT LOCATED IN THE VILLAGE OF FREEPORT OR THE
27 VILLAGE OF HEMPSTEAD, THE WRITTEN CONSENT OF THE CHIEF EXECUTIVE OFFICER
28 OF THE AFFECTED VILLAGE SHALL BE OBTAINED. THE AGENCY SHALL ALSO OBTAIN
29 THE APPROVAL, BY THREE-FIFTHS MAJORITY, OF THE VILLAGE GOVERNING BODY
30 PRIOR TO ANY PILOT AGREEMENT BEING APPROVED BY THE AGENCY FOR A PROJECT
31 LOCATED IN THE VILLAGE OF FREEPORT OR THE VILLAGE OF HEMPSTEAD. IN ADDI-
32 TION, THE AGENCY SHALL OBTAIN AN IMPACT ANALYSIS TO DETERMINE THE IMPACT
33 ON THE VILLAGE OF THE PROJECT AND THE PLANNED PILOT AGREEMENT. THE
34 APPLICANT FOR SUCH PILOT AGREEMENT SHALL BEAR THE COSTS RELATED TO THE
35 REQUIRED IMPACT ANALYSIS. THE AGENCY AND THE VILLAGE GOVERNING BODY
36 SHALL JOINTLY SELECT A QUALIFIED ENTITY TO CONDUCT THE IMPACT ANALYSIS.
37 THE MEMBERSHIP OF THE AGENCY, WHEN REVIEWING APPLICATIONS AND APPROVING
38 PILOT AGREEMENTS FOR PROJECTS LOCATED IN THE VILLAGE OF FREEPORT OR THE
39 VILLAGE OF HEMPSTEAD, SHALL INCLUDE AT LEAST ONE MEMBER OF SUCH
40 VILLAGE'S GOVERNING BODY AND AT LEAST THREE AT LARGE MEMBERS DRAWN FROM
41 A CROSS SECTION OF THE VILLAGE COMMUNITY.

42 3. THE AGENCY SHALL REVIEW ANY PILOT AGREEMENT FOR A PROJECT LOCATED
43 IN THE VILLAGE OF FREEPORT OR THE VILLAGE OF HEMPSTEAD AFTER THE THIRD
44 YEAR OF ENTERING INTO SUCH PILOT AGREEMENT, AND EVERY THIRD YEAR THERE-
45 AFTER, AND ADJUST THE PILOT AGREEMENT ACCORDINGLY BASED ON CHANGES TO
46 THE ASSESSED VALUE AND TAX RATE OF ALL OTHER REAL PROPERTIES LOCATED IN
47 SUCH VILLAGES.

48 4. A PILOT AGREEMENT FOR A PROJECT LOCATED IN THE VILLAGE OF FREEPORT
49 OR THE VILLAGE OF HEMPSTEAD SHALL NOT BE RENEWED OR RENEGOTIATED UNTIL A
50 FULL AUDIT HAS BEEN COMPLETED OF THE ACCOUNTS OF THE PARTY OBLIGATED TO
51 MAKE PAYMENTS IN LIEU OF TAXES PURSUANT TO THE PILOT AGREEMENT WITH THE
52 AGENCY. THE AGENCY AND THE VILLAGE GOVERNING BODY SHALL JOINTLY CHOOSE A
53 QUALIFIED ENTITY TO CONDUCT SUCH AUDIT. THE PARTY THAT IS OBLIGATED TO
54 MAKE PAYMENTS IN LIEU OF TAXES PURSUANT TO THE PILOT AGREEMENT WITH THE
55 AGENCY SHALL BEAR THE COSTS OF PREPARING SUCH AUDIT. THE VILLAGE OF
56 FREEPORT OR THE VILLAGE OF HEMPSTEAD MAY REQUEST FROM THE OFFICE OF THE

1 STATE COMPTROLLER AN AUDIT OR REVIEW OF THE AUDIT PRIOR TO THE RENEWAL
2 OR RENEGOTIATION OF A PILOT AGREEMENT FOR A PROJECT LOCATED IN THE
3 VILLAGE OF FREEPORT OR THE VILLAGE OF HEMPSTEAD.
4 S 3. This act shall take effect immediately.