S T A T E O F N E W Y O R K

6026

2013-2014 Regular Sessions

I N A S S E M B L Y

March 13, 2013

Introduced by M. of A. McLAUGHLIN, AUBRY, TEDISCO, RA, CROUCH, BROOK-KRASNY, JAFFEE -- Multi-Sponsored by -- M. of A. BARCLAY, DIPIETRO, DUPREY, GIGLIO, GRAF, P. LOPEZ, McDONOUGH, PALMESANO, RAIA -- read once and referred to the Committee on Ways and Means

AN ACT to amend the tax law, in relation to creating a downtown revitalization zone investment tax credit

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

Section 1. Section 210 of the tax law is amended by adding a new subdivision 25-b to read as follows:

25-B. DOWNTOWN REVITALIZATION ZONE INVESTMENT TAX CREDIT. (A) A TAXPAYER SHALL BE ALLOWED A CREDIT, TO BE COMPUTED AS HEREINAFTER PROVIDED, AGAINST THE TAX IMPOSED BY THIS ARTICLE, FOR THE DEVELOPMENT TO EXISTING DOWNTOWN ZONES INCLUDING, BUT NOT LIMITED TO, THE PURCHASE OF BUILDINGS AND REHABILITATIONS OF BUILDINGS IN SUCH DOWNTOWN ZONES. THE AMOUNT OF THE CREDIT SHALL BE TWENTY PERCENT OF THE PURCHASE OF ANY BUILDINGS AND REHABILITATIONS OR PROJECTS COMPLETED WHICH ARE PURCHASED AND COMPLETED DURING THE TAXABLE YEAR, SUCH CREDIT NOT EXCEEDING THE AMOUNT SET FORTH IN PARAGRAPH (C) OF THIS SUBDIVISION OR THE AMOUNT DEEMED BY THE COMMISSIONER TO BE NECESSARY FOR PROJECT FEASIBILITY. TO DETERMINE PROJECT FEASIBILITY, THE COMMISSIONER SHALL CONSIDER THE EXTENT OF THE NEED TO THE DOWNTOWN ZONE, THE VISION AND PLANS FOR THE REVITALIZATION OF THE DOWNTOWN AREA, AND THE DEMONSTRATED ABILITY TO UTILIZE RESOURCES EFFECTIVELY.

(B) NOTHING IN THIS SUBDIVISION SHALL BE CONSTRUED TO PREVENT TWO OR MORE TAXPAYERS OR TWO OR MORE QUALIFYING RECIPIENTS FROM PARTICIPATING JOINTLY IN ONE OR MORE PROJECTS UNDER THE PROVISIONS OF THIS SUBDIVISION NOR SHALL IT BE CONSTRUED TO PREVENT ANY BUSINESS FROM PARTICIPATING IN ONE OR MORE PROJECTS.

(C) THE SUM OF ALL TAX CREDITS GRANTED PURSUANT TO THE PROVISIONS OF THIS SUBDIVISION SHALL NOT EXCEED FIVE HUNDRED THOUSAND DOLLARS ANNUALLY

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

LBD08831-01-3

FOR ANY ONE TAXPAYER INCLUDING SUCH PARTY'S AFFILIATES AND RELATED ENTITIES AS DETERMINED BY THE COMMISSIONER, UNLESS THE COMMISSIONER DETERMINES THAT THE TOTAL AMOUNT OF THE TAX CREDITS ALLOWED TO TAXPAYERS SHALL BE UNDER-UTILIZED IN ANY ONE FISCAL YEAR.

(D) FOR THE PURPOSES OF THIS SUBDIVISION, THE TERM "DOWNTOWN ZONES" SHALL MEAN THAT PORTION OF THE COMMUNITY (I) WHICH CONTAINS THE TRADITIONAL OR HISTORIC BUSINESS CORE OF A COMMUNITY, (II) IS CONCENTRATED WITH RETAIL ACTIVITY AND WHERE OFFICE, RESIDENTIAL AND INSTITUTIONAL USES MAY BE FOUND, (III) WHERE STORES ARE INDIVIDUALLY OWNED AND MANAGED, AND (IV) WHERE ON-STREET PARKING IS OFTEN SUPPLEMENTED BY OFF-STREET PARKING FACILITIES THAT ARE USUALLY LOCATED BEHIND THE STORES AND IN MUNICIPAL PARKING LOTS.

S 2. This act shall take effect on the one hundred twentieth day after it shall have become a law; provided, however, that the commissioner of taxation and finance shall promulgate any rules and regulations necessary for the timely implementation of this act on or before such date.