

4768

2013-2014 Regular Sessions

I N   S E N A T E

April 23, 2013

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Introduced by Sen. GOLDEN -- read twice and ordered printed, and when printed to be committed to the Committee on Cities

AN ACT 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

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

1     Section 1. Subdivision (b) of section 25-z of the general city law, as  
2 amended by chapter 131 of the laws of 2008, is amended to read as  
3 follows:  
4     (b) No eligible business shall be authorized to receive a credit under  
5 any local law enacted pursuant to this article until the premises with  
6 respect to which it is claiming the credit meet the requirements in the  
7 definition of eligible premises and until it has obtained a certifi-  
8 cation of eligibility from the mayor of such city or an agency desig-  
9 nated by such mayor, and an annual certification from such mayor or an  
10 agency designated by such mayor as to the number of eligible aggregate  
11 employment shares maintained by such eligible business that may qualify  
12 for obtaining a tax credit for the eligible business' taxable year. Any  
13 written documentation submitted to such mayor or such agency or agencies  
14 in order to obtain any such certification shall be deemed a written  
15 instrument for purposes of section 175.00 of the penal law. Such local  
16 law may provide for application fees to be determined by such mayor or  
17 such agency or agencies. No such certification of eligibility shall be  
18 issued under any local law enacted pursuant to this article to an eligi-  
19 ble business on or after July first, two thousand [thirteen] EIGHTEEN  
20 unless:  
21     (1) prior to such date such business has purchased, leased or entered  
22 into a contract to purchase or lease particular premises or a parcel on

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

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1 which will be constructed such premises or already owned such premises  
2 or parcel;

3 (2) prior to such date improvements have been commenced on such prem-  
4 ises or parcel, which improvements will meet the requirements of subdivi-  
5 sion (e) of section twenty-five-y of this article relating to expendi-  
6 tures for improvements;

7 (3) prior to such date such business submits a preliminary application  
8 for a certification of eligibility to such mayor or such agency or agen-  
9 cies with respect to a proposed relocation to such particular premises;  
10 and

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

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

19 (b) No eligible business or special eligible business shall be author-  
20 ized to receive a credit against tax under any local law enacted pursu-  
21 ant to this article until the premises with respect to which it is  
22 claiming the credit meet the requirements in the definition of eligible  
23 premises and until it has obtained a certification of eligibility from  
24 the mayor of such city or any agency designated by such mayor, and an  
25 annual certification from such mayor or an agency designated by such  
26 mayor as to the number of eligible aggregate employment shares main-  
27 tained by such eligible business or such special eligible business that  
28 may qualify for obtaining a tax credit for the eligible business' taxa-  
29 ble year. No special eligible business shall be authorized to receive a  
30 credit against tax under the provisions of this article unless the  
31 number of relocated employee base shares calculated pursuant to subdivi-  
32 sion (o) of section twenty-five-dd of this article is equal to or great-  
33 er than the lesser of twenty-five percent of the number of New York city  
34 base shares calculated pursuant to subdivision (p) of such section and  
35 two hundred fifty employment shares. Any written documentation submitted  
36 to such mayor or such agency or agencies in order to obtain any such  
37 certification shall be deemed a written instrument for purposes of  
38 section 175.00 of the penal law. Such local law may provide for applica-  
39 tion fees to be determined by such mayor or such agency or agencies. No  
40 certification of eligibility shall be issued under any local law enacted  
41 pursuant to this article to an eligible business on or after July first,  
42 two thousand [thirteen] EIGHTEEN unless:

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

46 (2) prior to such date improvements have been commenced on such prem-  
47 ises or parcel, which improvements will meet the requirements of subdivi-  
48 sion (e) of section twenty-five-dd of this article relating to expendi-  
49 tures for improvements;

50 (3) prior to such date such business submits a preliminary application  
51 for a certification of eligibility to such mayor or such agency or agen-  
52 cies with respect to a proposed relocation to such premises; and

53 (4) such business relocates to such premises as provided in subdivi-  
54 sion (j) of section twenty-five-dd of this article not later than thir-  
55 ty-six months or, in a case in which the expenditures made for the  
56 improvements specified in paragraph two of this subdivision are in

1 excess of fifty million dollars within seventy-two months from the date  
2 of submission of such preliminary application.

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

6 (b) No eligible business shall be authorized to receive a credit  
7 against tax or a reduction in base rent subject to tax under the  
8 provisions of this chapter, and of title eleven of the code as described  
9 in subdivision (a) of this section, until the premises with respect to  
10 which it is claiming the credit meet the requirements in the definition  
11 of eligible premises and until it has obtained a certification of eligi-  
12 bility from the mayor or an agency designated by the mayor, and an annu-  
13 al certification from the mayor or an agency designated by the mayor as  
14 to the number of eligible aggregate employment shares maintained by such  
15 eligible business that may qualify for obtaining a tax credit for the  
16 eligible business' taxable year. Any written documentation submitted to  
17 the mayor or such agency or agencies in order to obtain any such certif-  
18 ication shall be deemed a written instrument for purposes of section  
19 175.00 of the penal law. Application fees for such certifications shall  
20 be determined by the mayor or such agency or agencies. No certification  
21 of eligibility shall be issued to an eligible business on or after July  
22 first, two thousand [thirteen] EIGHTEEN unless:

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

27 (2) prior to such date improvements have been commenced on such prem-  
28 ises or parcel which improvements will meet the requirements of subdivi-  
29 sion (e) of section 22-621 of this chapter relating to expenditures for  
30 improvements;

31 (3) prior to such date such business submits a preliminary application  
32 for a certification of eligibility to such mayor or such agency or agen-  
33 cies with respect to a proposed relocation to such particular premises;  
34 and

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

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

43 (b) No eligible business or special eligible business shall be author-  
44 ized to receive a credit against tax under the provisions of this chap-  
45 ter, and of title eleven of the code as described in subdivision (a) of  
46 this section, until the premises with respect to which it is claiming  
47 the credit meet the requirements in the definition of eligible premises  
48 and until it has obtained a certification of eligibility from the mayor  
49 or an agency designated by the mayor, and an annual certification from  
50 the mayor or an agency designated by the mayor as to the number of  
51 eligible aggregate employment shares maintained by such eligible busi-  
52 ness or special eligible business that may qualify for obtaining a tax  
53 credit for the eligible business' taxable year. No special eligible  
54 business shall be authorized to receive a credit against tax under the  
55 provisions of this chapter and of title eleven of the code unless the  
56 number of relocated employee base shares calculated pursuant to subdivi-

1 sion (o) of section 22-623 of this chapter is equal to or greater than  
2 the lesser of twenty-five percent of the number of New York city base  
3 shares calculated pursuant to subdivision (p) of such section 22-623,  
4 and two hundred fifty employment shares. Any written documentation  
5 submitted to the mayor or such agency or agencies in order to obtain any  
6 such certification shall be deemed a written instrument for purposes of  
7 section 175.00 of the penal law. Application fees for such certifi-  
8 cations shall be determined by the mayor or such agency or agencies. No  
9 certification of eligibility shall be issued to an eligible business on  
10 or after July first, two thousand [thirteen] EIGHTEEN unless:

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

14 (2) prior to such date improvements have been commenced on such prem-  
15 ises or parcel, which improvements will meet the requirements of subdivi-  
16 sion (e) of section 22-623 of this chapter relating to expenditures  
17 for improvements;

18 (3) prior to such date such business submits a preliminary application  
19 for a certification of eligibility to such mayor or such agency or agen-  
20 cies with respect to a proposed relocation to such premises; and

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

26 S 5. This act shall take effect July 1, 2013, provided, however, if  
27 this act shall become a law after such date, it shall take effect imme-  
28 diately and shall be deemed to have been in full force and effect on and  
29 after July 1, 2013.