

4768

2013-2014 Regular Sessions

I N S E N A T E

April 23, 2013

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.

LBD10418-01-3

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.