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

7026--A

Cal. No. 891

I N S E N A T E

April 16, 2014

Introduced by Sens. MAZIARZ, AVELLA, BOYLE, DILAN, GIPSON, LATIMER, SERRANO -- read twice and ordered printed, and when printed to be committed to the Committee on Local Government -- reported favorably from said committee, ordered to first and second report, ordered to a third reading, amended and ordered reprinted, retaining its place in the order of third reading

AN ACT to amend the real property tax law, in relation to exemption from taxation for certain solar or wind energy systems or farm waste energy systems

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

Section 1. Subdivision 5 of section 487 of the real property tax law, as amended by chapter 366 of the laws of 2010, is amended to read as follows:

5. The exemption granted pursuant to this section shall only be applicable to solar or wind energy systems or farm waste energy systems which are (a) existing or constructed prior to July first, nineteen hundred eighty-eight or (b) constructed subsequent to January first, nineteen hundred ninety-one and prior to January first, two thousand [fifteen] TWENTY-FIVE.

S 2. Subdivision 8 of section 487 of the real property tax law, as amended by chapter 515 of the laws of 2002 and as further amended by subdivision (b) of section 1 of part W of chapter 56 of the laws of 2010, is amended to read as follows:

8. (A) Notwithstanding the provisions of subdivision two of this section, a county, city, town or village may by local law or a school district, other than a school district to which article fifty-two of the education law applies, may by resolution provide that no exemption under this section shall be applicable within its jurisdiction with respect to any solar or wind energy system or farm waste energy system [constructed] WHICH BEGAN CONSTRUCTION subsequent to January first, nineteen hundred ninety-one or the effective date of such local law, ordinance or resolution, whichever is later. A copy of any such local

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

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law or resolution shall be filed with the commissioner and with the president of the authority.

(B) CONSTRUCTION OF A SOLAR OR WIND ENERGY SYSTEM OR A FARM WASTE ENERGY SYSTEM SHALL BE DEEMED TO HAVE BEGUN UPON THE FULL EXECUTION OF A CONTRACT OR INTERCONNECTION AGREEMENT WITH A UTILITY; PROVIDED HOWEVER, THAT IF SUCH CONTRACT OR INTERCONNECTION AGREEMENT REQUIRES A DEPOSIT TO BE MADE, THEN CONSTRUCTION SHALL BE DEEMED TO HAVE BEGUN WHEN THE CONTRACT OR INTERCONNECTION AGREEMENT IS FULLY EXECUTED AND THE DEPOSIT IS MADE. THE OWNER OR DEVELOPER OF SUCH A SYSTEM SHALL PROVIDE WRITTEN NOTIFICATION TO THE APPROPRIATE LOCAL JURISDICTION OR JURISDICTIONS UPON EXECUTION OF THE CONTRACT OR THE INTERCONNECTION AGREEMENT.

S 3. Paragraph (a) of subdivision 9 of section 487 of the real property tax law, as added by chapter 608 of the laws of 2002, is amended to read as follows:

(a) A county, city, town, village or school district, except a school district under article fifty-two of the education law, that has not acted to remove the exemption under this section may require the owner of a property which includes a solar or wind energy system which meets the requirements of subdivision four of this section, to enter into a contract for payments in lieu of taxes. Such contract may require annual payments in an amount not to exceed the amounts which would otherwise be payable but for the exemption under this section. IF THE OWNER OR DEVELOPER OF SUCH A SYSTEM PROVIDES WRITTEN NOTIFICATION TO A TAXING JURISDICTION OF ITS INTENT TO CONSTRUCT SUCH A SYSTEM, THEN IN ORDER TO REQUIRE THE OWNER OR DEVELOPER OF SUCH SYSTEM TO ENTER INTO A CONTRACT FOR PAYMENTS IN LIEU OF TAXES, SUCH TAXING JURISDICTION MUST NOTIFY SUCH OWNER OR DEVELOPER OF ITS INTENT TO REQUIRE A CONTRACT FOR PAYMENTS IN LIEU OF TAXES WITHIN SIXTY DAYS OF RECEIVING THE WRITTEN NOTIFICATION.

S 4. This act shall take effect immediately.