

6884

2015-2016 Regular Sessions

I N   A S S E M B L Y

April 8, 2015

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Introduced by M. of A. THIELE, GARBARINO -- read once and referred to  
the Committee on Ways and Means

AN ACT in relation to a certain agreement for a payment in lieu of taxes

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

1     Section 1. Notwithstanding the provisions of subdivision (e) of  
2     section 15 of the tax law, with respect to any payment of taxes imposed  
3     on real property with respect to property located at 85 Saxon Avenue,  
4     Bay Shore, New York, with respect to a lessee that is a qualified empire  
5     zone enterprise, such taxes shall be deemed to be eligible real property  
6     taxes with respect to such lessee and (1) such taxes shall be deemed to  
7     have been paid by the lessee pursuant to explicit requirements in a  
8     written lease, (2) shall be deemed to become a lien on the real property  
9     during a taxable year in which the lessee of the real property is both  
10    certified pursuant to article 18-B of the general municipal law and a  
11    qualified empire zone enterprise, and (3) the lessee shall be deemed to  
12    have made direct payment of such taxes to the taxing authority and to  
13    have received a receipt for such payment of taxes from the taxing  
14    authority. Such qualified empire zone enterprise shall be eligible to  
15    claim the real property tax credit provided by section 15 of the tax law  
16    provided that for each of such periods, the landlord has not filed a  
17    claim for the real property tax credit for such payments.

18    S 2. Notwithstanding the provisions of sections 687 or 1087 of the tax  
19    law or any other provision to the contrary, a claim for a credit or  
20    refund may be filed by the taxpayer with respect to the property located  
21    at 85 Saxon Avenue, Bay Shore, New York, for taxable years January 1,  
22    2009 through December 31, 2011 where the taxpayer is a qualified empire  
23    zone enterprise.

24    S 3. This act shall take effect immediately and shall apply to taxable  
25    years beginning on or after January 1, 2009 and before January 1, 2012.

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

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