

5088

2015-2016 Regular Sessions

I N S E N A T E

April 30, 2015

Introduced by Sen. GOLDEN -- (at request of the NYC Finance) -- read twice and ordered printed, and when printed to be committed to the Committee on Cities

AN ACT to amend the real property tax law and the administrative code of the city of New York, in relation to tax abatement for certain industrial and commercial properties in a city with a population of one million or more

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

1 Section 1. Subdivision 1 of section 489-gggggg of the real property
2 tax law, as added by chapter 119 of the laws of 2008, is amended to read
3 as follows:
4 1. Commission members. Any city enacting a local law pursuant to
5 section four hundred eighty-nine-bbbbbb of this title shall establish a
6 temporary commercial incentive area boundary commission to consist of
7 [the deputy mayor for economic development and planning] A DEPUTY MAYOR
8 DESIGNATED BY THE MAYOR, the commissioner of finance, the chair of the
9 city planning commission, the director of management and budget, the
10 borough presidents, the speaker of the city council and a public member
11 appointed by the mayor to serve at the mayor's pleasure. Each member
12 except the public member shall have the power to designate an alternate
13 to represent him or her at commission meetings to exercise all the
14 rights and powers of such member, including the right to vote, provided
15 that such designation be made in writing to the chair of the commission.
16 The deputy mayor [for economic development and planning] DESIGNATED BY
17 THE MAYOR shall serve as commission chair. Each borough president shall
18 be entitled to vote only on the designation of areas within his or her
19 borough. Commission members who shall be officers or employees of such
20 city shall serve without compensation but shall be reimbursed for
21 expenses necessarily incurred in the performance of their duties. Any
22 other commission member shall receive as exclusive compensation for his

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

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1 or her services one hundred dollars per diem, or another reasonable
2 amount as determined by the deputy mayor [for economic development and
3 planning] DESIGNATED BY THE MAYOR, provided, however, that the total
4 compensation paid to any such member shall not exceed twelve hundred
5 dollars for any calendar year, or another reasonable amount determined
6 by the deputy mayor [for economic development and planning] DESIGNATED
7 BY THE MAYOR. A majority of members of such commission entitled to vote
8 on a matter shall constitute a quorum for such issue. Decisions shall be
9 made by majority vote of those present entitled to vote on a matter.
10 Notwithstanding any other law to the contrary, no officer or employee of
11 the state or any of its subdivisions or any public benefit corporation
12 shall be deemed to have forfeited his or her office or employment or any
13 benefits provided under the retirement and social security law or under
14 any public retirement system maintained by the state or any of its
15 subdivisions by reason of accepting membership on such commission.

16 S 2. Paragraphs (a) and (f) of subdivision 2 of section 489-gggggg of
17 the real property tax law, as added by chapter 119 of the laws of 2008,
18 are amended to read as follows:

19 (a) The commission shall meet in two thousand nine OR TWO THOUSAND
20 FIFTEEN and at least once every five years thereafter to determine the
21 boundaries of special commercial abatement areas which it is authorized,
22 but not required, to designate pursuant to this section. The areas
23 designated by the commission established pursuant to title two-D of this
24 article in effect as of June thirtieth, two thousand eight shall remain
25 in effect until the first taxable status date after the local legisla-
26 tive body approves a new designation pursuant to paragraph (d) of this
27 subdivision OR, IF THE LOCAL LEGISLATIVE BODY DOES NOT APPROVE A NEW
28 DESIGNATION BEFORE JANUARY FIRST, TWO THOUSAND SIXTEEN, THEN, FOR
29 PURPOSES OF APPLICATIONS FOR SPECIAL COMMERCIAL ABATEMENT AREA BENEFITS,
30 THE AREAS DESIGNATED BY THE COMMISSION ESTABLISHED PURSUANT TO TITLE
31 TWO-D OF THIS ARTICLE IN EFFECT AS OF JUNE THIRTIETH, TWO THOUSAND EIGHT
32 SHALL REMAIN IN EFFECT UNTIL DECEMBER THIRTY-FIRST, TWO THOUSAND
33 FIFTEEN.

34 (f) If the commission fails to meet [for more than five years] IN TWO
35 THOUSAND FIFTEEN, all new applications for special commercial abatement
36 area benefits postmarked after [the fifth anniversary of the commis-
37 sion's last meeting] DECEMBER THIRTY-FIRST, TWO THOUSAND FIFTEEN shall
38 be deemed applications for regular area benefits.

39 S 3. Subdivision a of section 11-274 of the administrative code of the
40 city of New York, as added by local law number 47 of the city of New
41 York for the year 2008, is amended to read as follows:

42 a. Commission members. There shall be a temporary commercial incentive
43 area boundary commission to consist of [the deputy mayor for economic
44 development and planning] A DEPUTY MAYOR DESIGNATED BY THE MAYOR, the
45 commissioner of finance, the chair of the city planning commission, the
46 director of management and budget, the borough presidents, the speaker
47 of the city council and a public member appointed by the mayor to serve
48 at the mayor's pleasure. Each member except the public member shall have
49 the power to designate an alternate to represent him or her at commis-
50 sion meetings to exercise all the rights and powers of such member,
51 including the right to vote, provided that such designation be made in
52 writing to the chair of the commission. The deputy mayor [for economic
53 development and planning] DESIGNATED BY THE MAYOR shall serve as commis-
54 sion chair. Each borough president shall be entitled to vote only on the
55 designation of areas within his or her borough. Commission members who
56 shall be officers or employees of such city shall serve without compen-

1 sation but shall be reimbursed for expenses necessarily incurred in the
2 performance of their duties. Any other commission member shall receive
3 as exclusive compensation for his or her services one hundred dollars
4 per diem, or another reasonable amount as determined by the deputy mayor
5 [for economic development and planning] DESIGNATED BY THE MAYOR,
6 provided, however, that the total compensation paid to any such member
7 shall not exceed twelve hundred dollars for any calendar year, or another
8 reasonable amount determined by the deputy mayor [for economic devel-
9 opment and planning] DESIGNATED BY THE MAYOR. A majority of members of
10 such commission entitled to vote on a matter shall constitute a quorum
11 for such issue. Decisions shall be made by majority vote of those pres-
12 ent entitled to vote on a matter. Notwithstanding any other law to the
13 contrary, no officer or employee of the state or any of its subdivisions
14 or any public benefit corporation shall be deemed to have forfeited his
15 or her office or employment or any benefits provided under the retire-
16 ment and social security law or under any public retirement system main-
17 tained by the state or any of its subdivisions by reason of accepting
18 membership on such commission.

19 S 4. Paragraphs 1 and 6 of subdivision b of section 11-274 of the
20 administrative code of the city of New York, as added by local law
21 number 47 of the city of New York for the year 2008, are amended to read
22 as follows:

23 (1) The commission shall meet in two thousand nine OR TWO THOUSAND
24 FIFTEEN and at least once every five years thereafter to determine the
25 boundaries of special commercial abatement areas which it is authorized,
26 but not required, to designate pursuant to this section. The areas
27 designated by the commission established pursuant to title two-D of
28 article four of the real property tax law in effect as of June thirti-
29 eth, two thousand eight shall remain in effect until the first taxable
30 status date after the city council approves a new designation pursuant
31 to paragraph (4) of this subdivision OR, IF THE LOCAL LEGISLATIVE BODY
32 DOES NOT APPROVE A NEW DESIGNATION BEFORE JANUARY FIRST, TWO THOUSAND
33 SIXTEEN, THEN, FOR PURPOSES OF APPLICATIONS FOR SPECIAL COMMERCIAL
34 ABATEMENT AREA BENEFITS, THE AREAS DESIGNATED BY THE COMMISSION ESTAB-
35 LISHED PURSUANT TO TITLE TWO-D OF ARTICLE FOUR OF THE REAL PROPERTY TAX
36 LAW IN EFFECT AS OF JUNE THIRTIETH, TWO THOUSAND EIGHT SHALL REMAIN IN
37 EFFECT UNTIL DECEMBER THIRTY-FIRST, TWO THOUSAND FIFTEEN.

38 (6) If the commission fails to meet [for more than five years] IN TWO
39 THOUSAND FIFTEEN, all new applications for special commercial abatement
40 area benefits postmarked after [the fifth anniversary of the commis-
41 sion's last meeting] DECEMBER THIRTY-FIRST, TWO THOUSAND FIFTEEN shall
42 be deemed applications for regular area benefits.

43 S 5. This act shall take effect immediately.