

5088

2015-2016 Regular Sessions

I N   S E N A T E

April 30, 2015

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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.