

# STATE OF NEW YORK

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9974--A

## IN ASSEMBLY

March 2, 2018

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Introduced by M. of A. LENTOL -- read once and referred to the Committee on Real Property Taxation -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

AN ACT to amend the real property tax law and the administrative code of the city of New York, in relation to extending the time to file a final application under the industrial and commercial abatement program

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

1 Section 1. Legislative findings. The legislature hereby finds that the  
2 industrial and commercial abatement program (ICAP) has been successful  
3 in encouraging economic growth and development in areas of New York  
4 city. ICAP imposes a strict requirement that the final application for  
5 ICAP benefits be filed within one year of the issuance of a project's  
6 first building permit. However, the ICAP legislation's strict one-year  
7 filing requirement results in harsh outcomes for applicants in situ-  
8 ations where the New York city department of buildings issued a stop  
9 work order necessitating the substantial redesign of a project after the  
10 issuance of the first building permit. In such instances, ICAP appli-  
11 cants are required to redesign their projects and substantively amend  
12 their ICAP applications without providing any extension of the one year  
13 final application filing period. The strict application of the ICAP  
14 final application deadline in such circumstances is contrary to the  
15 intent of the ICAP law and the New York city department of finance has  
16 attempted to address these inequities in the promulgation of new rules  
17 defining what constitutes the initial building permit for ICAP projects.  
18 This legislation would amend the strict final application deadline for  
19 pre-existing projects and enable affected projects to receive ICAP bene-  
20 fits prospectively.

21 § 2. Paragraph (a) of subdivision 5 of section 489-cccccc of the real  
22 property tax law is amended by adding a new subparagraph (iii) to read  
23 as follows:

24 (iii) Extension of time to file final application. Notwithstanding  
25 subparagraph (ii) of this paragraph, for projects with preliminary

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

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1 applications filed after May first, two thousand ten and the initial  
2 building permit for such project was subject to a stop work order from  
3 the department of buildings, which stop work order resulted in the  
4 substantial redesign of the project prior to the re-instatement of such  
5 building permit, the time period to file the final application for such  
6 project shall be extended for a period of time between the initial issu-  
7 ance of the stop work order and the re-instatement of the building  
8 permit based on the substantial redesign of the project. The provisions  
9 of this subparagraph shall be applicable to projects with preliminary  
10 applications filed after May first, two thousand ten and for which a  
11 final certificate of occupancy has not yet been issued.

12 § 3. Paragraph 1 of subdivision (e) of section 11-270 of the adminis-  
13 trative code of the city of New York is amended by adding a new subpara-  
14 graph (c) to read as follows:

15 (c) Extension of time to file final application. Notwithstanding  
16 subparagraph (b) of this paragraph, for projects with preliminary appli-  
17 cations filed after May first, two thousand ten and the initial building  
18 permit for such project was subject to a stop work order from the  
19 department of buildings, which stop work order resulted in the substan-  
20 tial redesign of the project prior to the re-instatement of such build-  
21 ing permit, the time period to file the final application for such  
22 project shall be extended for a period of time between the initial issu-  
23 ance of the stop work order and the re-instatement of the building  
24 permit based on the substantial redesign of the project. The provisions  
25 of this subparagraph shall be applicable to projects with preliminary  
26 applications filed after May first, two thousand ten and for which a  
27 final certificate of occupancy has not yet been issued.

28 § 4. This act shall take effect immediately.