STATE OF NEW YORK

9989

IN ASSEMBLY

March 7, 2018

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

AN ACT to amend chapter 296 of the laws of 2017 relating to a certain agreement for a payment in lieu of taxes, in relation to payment in lieu of taxes

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

Section 1. Section 1 of chapter 296 of the laws of 2017, relating to a certain agreement for a payment in lieu of taxes, is amended to read as follows:

Section 1. Notwithstanding the provisions of subdivision (e) of section 15 of the tax law, with respect to any payment **in lieu** of taxes imposed on real property with respect to property located at 1800 Motor Parkway, Islandia, New York, with respect to a lessee that is a qualified empire zone enterprise, such **payment in lieu of** taxes shall be deemed to be eligible real property taxes with respect to such lessee and (1) such **payment in lieu of** taxes shall be deemed to have been paid by the lessee pursuant to explicit requirements in a written lease, (2) shall be deemed to become a lien on the real property during a taxable year in which the lessee of the real property is both certified pursuant to article 18-B of the general municipal law and a qualified empire zone enterprise, and (3) the lessee shall be deemed to have made direct payment of such **payment in lieu of** taxes to the taxing authority and to have received a receipt for such payment **in lieu** of taxes from the taxing authority. Such qualified empire zone enterprise shall be eligible to claim the real property tax credit provided by section 15 of the tax law provided that for each of such periods, the landlord has not filed a claim for the real property tax credit for such payments.

§ 2. This act shall take effect on the same date and in the same manner as chapter 296 of the laws of 2017, takes effect.

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

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