

# STATE OF NEW YORK

1833

2017-2018 Regular Sessions

## IN SENATE

January 11, 2017

Introduced by Sen. KENNEDY -- read twice and ordered printed, and when printed to be committed to the Committee on Local Government

AN ACT to amend the general municipal law, in relation to restricting the formation of new development agencies in Erie county

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

1 Section 1. Section 891-a of the general municipal law is amended by  
2 adding a new subdivision 3 to read as follows:

3 3. (a) Notwithstanding the provisions of section eight hundred fifty-  
4 six of this article or any other law, rule or regulation to the contra-  
5 ry, no new industrial development agency may be formed within Erie coun-  
6 ty.

7 (b) Notwithstanding the provisions of section eight hundred seventy-  
8 four of this article or any other law, rule or regulation to the contra-  
9 ry, within Erie county, only projects that are undertaken by the Erie  
10 County Industrial Development Agency:

11 (1) May be exempt from the four percent sales and compensating use tax  
12 imposed for the benefit of New York state by article twenty-eight of the  
13 tax law;

14 (2) May be exempt from the three percent, additional one percent and  
15 the additional three-quarters of one percent sales and compensating use  
16 tax imposed by section twelve hundred ten of the tax law;

17 (3) May be exempt from real property taxes imposed by the county of  
18 Erie, provided however, county real property tax relief may be granted  
19 by a town industrial development agency for projects located within such  
20 town, if the Erie County Industrial Development Agency consents on a  
21 project by project basis by resolution at a regular or special meeting  
22 to such real property tax exemption;

23 (4) May be exempt from real property taxes imposed by a village,  
24 provided however, village real property tax relief may be granted on a  
25 project by project basis by a town industrial development agency for

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

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1 projects located within a village which is part of such town, if such  
2 village consents by a resolution duly adopted at a regular or special  
3 meeting of such village board to such real property tax exemption;

4 (5) May be exempt from real property taxes imposed by a school  
5 district, provided however, school district real property tax relief may  
6 be granted on a project by project basis by a town industrial develop-  
7 ment agency for projects located within a school district which is part  
8 of such town, if such school district consents by a resolution duly  
9 adopted at a regular or special meeting of the board of such school  
10 district to such real property tax exemption; and

11 (6) May be exempt from the mortgage recording tax imposed by article  
12 eleven of the tax law.

13 (c) Notwithstanding any law, rule or regulation to the contrary, town  
14 industrial development agencies within Erie county are authorized to  
15 enter into cooperative agreements with the Erie County Industrial Devel-  
16 opment Agency whereby the rights, obligations, duties, and assets of  
17 such town industrial development agency are transferred in whole or in  
18 part to the Erie County Industrial Development Agency so long any pledge  
19 that may have been provided by the state, such municipality, or such  
20 town industrial development agency pursuant to the provisions of section  
21 eight hundred sixty-eight of this article is not adversely affected.  
22 Insofar as the provisions of this paragraph are inconsistent with any of  
23 the provisions of section eight hundred ninety-eight-a, nine hundred  
24 one-a, nine hundred fourteen-a (as added by chapter five hundred seven-  
25 ty-nine of the laws of nineteen hundred seventy-three), nine hundred  
26 twenty-five-t or nine hundred twenty-five-v of this title, the  
27 provisions of this paragraph shall be controlling.

28 § 2. Section 898-a of the general municipal law, as added by chapter  
29 995 of the laws of 1972, is amended to read as follows:

30 § 898-a. Town of Lancaster industrial development agency. For the  
31 benefit of the town of Lancaster in the county of Erie, and the inhabit-  
32 ants thereof, an industrial development agency, to be known as the TOWN  
33 OF LANCASTER INDUSTRIAL DEVELOPMENT AGENCY, is hereby established for  
34 the accomplishment of any or all of the purposes specified in title one  
35 of this article [~~eighteen-A of this chapter~~]. It shall constitute a  
36 body corporate and politic, and be perpetual in duration. It shall have  
37 the powers and duties now or hereafter conferred by title one of this  
38 article [~~eighteen-A of this chapter~~] upon industrial development agen-  
39 cies and provided that the exercise of the powers by such agency with  
40 respect to the acquisition of real property whether by purchase, condem-  
41 nation or otherwise, shall be limited to the corporate limits of the  
42 Town of Lancaster, and such agency shall take into consideration the  
43 local zoning and planning regulations as well as the regional and local  
44 comprehensive land use plans. It shall be organized in a manner  
45 prescribed by and be subject to the provisions of title one of this  
46 article [~~eighteen-A of this chapter~~]. Its members shall be appointed by  
47 the governing body of the Town of Lancaster. The agency, its members,  
48 officers and employees and its operations and activities shall in all  
49 respects be governed by the provisions of title one of this article  
50 [~~eighteen-A of this chapter~~]. Insofar as any of the provisions of this  
51 section are inconsistent with the provisions of subdivision three of  
52 section eight hundred ninety-one-a of this title, the provisions of such  
53 subdivision shall be controlling.

54 § 3. Section 901-a of the general municipal law, as added by chapter  
55 364 of the laws of 1973, is amended to read as follows:

§ 901-a. Town of Clarence, Erie county, industrial development agency. For the benefit of the town of Clarence, Erie county, and the inhabitants thereof, an industrial development agency, to be known as the TOWN OF CLARENCE, ERIE COUNTY, INDUSTRIAL DEVELOPMENT AGENCY, is hereby established for the accomplishment of any or all of the purposes specified in title one of this article [~~eighteen-A of this chapter~~]. It shall constitute a body corporate and politic, and be perpetual in duration. It shall have the powers and duties now or hereafter conferred by title one of this article [~~eighteen-A of this chapter~~] upon industrial development agencies and provided that the exercise of the powers by such agency with respect to the acquisition of real property whether by purchase, condemnation or otherwise, shall be limited to the corporate limits of the town of Clarence, and such agency shall take into consideration the local zoning and planning regulations as well as the regional and local comprehensive land use plans. It shall be organized in a manner prescribed by and be subject to the provisions of title one of this article [~~eighteen-A of this chapter~~]. Its members shall be appointed by the governing body of the town of Clarence. The agency, its members, officers and employees and its operations and activities shall in all respects be governed by the provisions of title one of this article [~~eighteen-A of this chapter~~]. Insofar as any of the provisions of this section are inconsistent with the provisions of subdivision three of section eight hundred ninety-one-a of this title, the provisions of such subdivision shall be controlling.

§ 4. Section 914-a of the general municipal law, as added by chapter 579 of the laws of 1973, is amended to read as follows:

§ 914-a. Town of Amherst industrial development agency. For the benefit of the town of Amherst in the county of Erie, and the inhabitants thereof, an industrial development agency, to be known as the TOWN OF AMHERST INDUSTRIAL DEVELOPMENT AGENCY, is hereby established for the accomplishment of any or all of the purposes specified in title one of this article [~~eighteen-A of this chapter~~]. It shall constitute a body corporate and politic, and be perpetual in duration. It shall have the power and duties now or hereafter conferred by title one of this article [~~eighteen-A of this chapter~~] upon industrial development agencies and provided that the exercise of the powers by such agency with respect to the acquisition of real property whether by purchase, condemnation or otherwise, shall be limited to the corporate limits of the town of Amherst, and such agency shall take into consideration the local zoning and planning regulations as well as the regional and local comprehensive land use plans. It shall be organized in a manner prescribed by and be subject to the provisions of title one of this article [~~eighteen-A of this chapter~~]. Its members shall be appointed by the governing body of the town of Amherst. The agency, its members, officers and employees and its operations and activities shall in all respects be governed by the provisions of title one of this article [~~eighteen-A of this chapter~~]. Insofar as any of the provisions of this section are inconsistent with the provisions of subdivision three of section eight hundred ninety-one-a of this title, the provisions of such subdivision shall be controlling.

§ 5. Section 925-t of the general municipal law is amended by adding a new subdivision 3 to read as follows:

3. Insofar as any of the provisions of this section are inconsistent with the provisions of subdivision three of section eight hundred ninety-one-a of this title, the provisions of such subdivision shall be controlling.

1     § 6. Section 925-v of the general municipal law is amended by adding a  
2 new subdivision 3 to read as follows:

3     3. Insofar as any of the provisions of this section are inconsistent  
4 with the provisions of subdivision three of section eight hundred nine-  
5 ty-one-a of this title, the provisions of such subdivision shall be  
6 controlling.

7     § 7. This act shall take effect immediately; provided, however, it  
8 shall not apply to any project approved by a town industrial development  
9 agency prior to the effective date of this act.