

# STATE OF NEW YORK

4720

2017-2018 Regular Sessions

## IN SENATE

February 24, 2017

Introduced by Sen. SANDERS -- read twice and ordered printed, and when printed to be committed to the Committee on Housing, Construction and Community Development

AN ACT to amend the real property tax law, the administrative code of the city of New York and the New York city charter, in relation to changing tax exemption programs for the development of new and affordable housing

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

1 Section 1. Subdivision 1 of section 421-a of the real property tax law  
2 is amended by adding two new paragraphs e and f to read as follows:

3 e. "Initial Construction Period." The period of time needed for the  
4 construction of a new multiple dwelling or the period of three years  
5 immediately following commencement of construction, whichever expires  
6 sooner, provided that construction must be completed upon the expiration  
7 of this period in order for such multiple dwelling to remain eligible  
8 for the exemption provided in this section.

9 f. "Extended Construction Period." The period of time immediately  
10 following the initial construction period needed to complete the  
11 construction of a new multiple dwelling or the period of three years,  
12 whichever expires sooner.

13 § 2. Paragraph (a) of subdivision 2 of section 421-a of the real prop-  
14 erty tax law, as amended by chapter 288 of the laws of 1985, subpara-  
15 graph (i), clause (A) of subparagraph (ii) and clause (A) of subpara-  
16 graph (iii) as amended by chapter 4 of the laws of 2013, clause (E) of  
17 subparagraph (iii) as added by chapter 618 of the laws of 2007, subpara-  
18 graph (iv) as added by chapter 832 of the laws of 1992, clause (A) of  
19 subparagraph (iv) as amended by section 63-a of part A of chapter 20 of  
20 the laws of 2015, is amended to read as follows:

21 (a) (i) (A) Within a city having a population of one million or more,  
22 new multiple dwellings, except hotels, shall be exempt from taxation for

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

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1 local purposes, other than assessments for local improvements, for the  
 2 tax year or years immediately following taxable status dates occurring  
 3 subsequent to the commencement and prior to the completion of the  
 4 initial construction period, but not to exceed three such tax years, and  
 5 shall continue to be exempt from such taxation in tax years immediately  
 6 following the taxable status date first occurring after the expiration  
 7 of the exemption herein conferred during the initial construction [~~so~~  
 8 ~~long as used at the completion of construction for dwelling purposes~~]  
 9 period for a period not to exceed ten years in the aggregate after the  
 10 taxable status date immediately following the completion [~~thereof~~] of  
 11 the initial construction period and during the extended construction  
 12 period if such period is needed, as follows:

13 [~~(A)~~] a. except as otherwise provided herein there shall be full  
 14 exemption from taxation during the [~~period of construction or the period~~  
 15 ~~of three years immediately following commencement of construction,~~  
 16 ~~whichever expires sooner~~] initial construction period, and for two years  
 17 following such period;

18 [~~(B)~~] b. followed by two years of exemption from eighty [~~per cent~~]  
 19 percent of such taxation;

20 [~~(C)~~] c. followed by two years of exemption from sixty [~~per cent~~]  
 21 percent of such taxation;

22 [~~(D)~~] d. followed by two years of exemption from forty [~~per cent~~]  
 23 percent of such taxation;

24 [~~(E)~~] e. followed by two years of exemption from twenty [~~per cent~~]  
 25 percent of such taxation;

26 (B) Upon the completion of the initial construction period or extended  
 27 construction period, if needed, the new multiple dwelling must be used  
 28 for dwelling purposes.

29 The following table shall illustrate the computation of the tax  
 30 exemption:

31 CONSTRUCTION OF CERTAIN MULTIPLE DWELLINGS

|   | Exemption |
|---|-----------|
| 32 During <u>Initial Construction</u>                             | 100%      |
| 33 <u>Period</u> (maximum three years)                            |           |
| 34 Following completion of [ <del>work</del> ] <u>the initial</u> |           |
| 35 <u>construction period</u>                                     |           |
| 36 Year:  |           |
| 37 1  | 100%      |
| 38 2  | 100       |
| 39 3  | 80        |
| 40 4  | 80        |
| 41 5  | 60        |
| 42 6  | 60        |
| 43 7  | 40        |
| 44 8  | 40        |
| 45 9  | 20        |
| 46 10   | 20        |

48 (ii) (A) Within a city having a population of one million or more the  
 49 local housing agency may adopt rules and regulations providing that  
 50 except in areas excluded by local law new multiple dwellings, except  
 51 hotels, shall be exempt from taxation for local purposes, other than  
 52 assessments for local improvements, for the tax year or years immediate-  
 53 ly following taxable status dates occurring subsequent to the commence-

1 ment and prior to the completion of the initial construction period, but  
 2 not to exceed three such tax years, and shall continue to be exempt from  
 3 such taxation in tax years immediately following the taxable status date  
 4 first occurring after the expiration of the exemption herein conferred  
 5 during [~~such~~] the initial construction [~~so long as used at the~~  
 6 ~~completion of construction for dwelling purposes~~] period, and during the  
 7 extended construction period if such period is needed, for a period not  
 8 to exceed fifteen years in the aggregate, as follows:

9 a. except as otherwise provided herein there shall be full exemption  
 10 from taxation during the period of construction or the [~~period of three~~  
 11 ~~years immediately following commencement of construction, whichever~~  
 12 ~~expires sooner~~] initial construction period, and for eleven years  
 13 following such period;

14 b. followed by one year of exemption from eighty percent of such taxa-  
 15 tion;

16 c. followed by one year of exemption from sixty percent of such taxa-  
 17 tion;

18 d. followed by one year of exemption from forty percent of such taxa-  
 19 tion;

20 e. followed by one year of exemption from twenty percent of such taxa-  
 21 tion.

22 (B) The benefits of this subparagraph shall not be available in areas  
 23 made ineligible for the benefits of this section by a local law enacted  
 24 pursuant to paragraph (i) of this subdivision [~~two of this section~~],  
 25 notwithstanding any exceptions to ineligibility contained in such local  
 26 law for certain types of projects in such areas.

27 (C) Unless excluded by local law, in the city of New York the benefits  
 28 of this subparagraph shall be available in the borough of Manhattan for  
 29 tax lots now existing or hereafter created south of or adjacent to  
 30 either side of one hundred tenth street only if:

31 a. the construction is carried out with the substantial assistance of  
 32 grants, loans or subsidies from any federal, state or local agency or  
 33 instrumentality, or

34 b. the local housing agency has imposed a requirement or has certified  
 35 that twenty percent of the units be affordable to families of low and  
 36 moderate income.

37 (D) Upon the completion of the initial construction period or extended  
 38 construction period, if needed, the new multiple dwelling must be used  
 39 for dwelling purposes.

40 The following table shall illustrate the computation of the exemption:

41 CONSTRUCTION OF CERTAIN MULTIPLE DWELLINGS

|    |   |           |
|----|---|-----------|
| 42 |   | Exemption |
| 43 | During <u>Initial</u> Construction  | 100%      |
| 44 | <u>Period</u> (maximum three years)   |           |
| 45 | Following completion of [ <del>work</del> ] <u>the initial construction</u> |           |
| 46 | <u>period</u>   |           |
| 47 | Year:   |           |
| 48 | 1 through 11  | 100%      |
| 49 | 12  | 80        |
| 50 | 13  | 60        |
| 51 | 14  | 40        |
| 52 | 15  | 20        |

1 (iii) (A) Within a city having a population of one million or more the  
2 local housing agency may adopt rules and regulations providing that new  
3 multiple dwellings, except hotels, shall be exempt from taxation for  
4 local purposes, other than assessments for local improvements, for the  
5 tax year or years immediately following taxable status dates occurring  
6 subsequent to the commencement and prior to the completion of the  
7 initial construction period, but not to exceed three such tax years, and  
8 shall continue to be exempt from such taxation in tax years immediately  
9 following the taxable status date first occurring after the expiration  
10 of the exemption herein conferred during [~~such~~] the initial construction  
11 [~~so long as used at the completion of construction for dwelling~~  
12 ~~purposes~~] period, and during the extended construction period if such  
13 period is needed, for a period not to exceed twenty-five years in the  
14 aggregate, provided that the area in which the project is situated is a  
15 neighborhood preservation program area as determined by the local hous-  
16 ing agency as of June first, nineteen hundred eighty-five, or is a  
17 neighborhood preservation area as determined by the New York city plan-  
18 ning commission as of June first, nineteen hundred eighty-five, or is an  
19 area that was eligible for mortgage insurance provided by the rehabili-  
20 tation mortgage insurance corporation as of May first, nineteen hundred  
21 ninety-two or is an area receiving funding for a neighborhood preserva-  
22 tion project pursuant to the neighborhood reinvestment corporation act  
23 (42 U.S.C. §§180 et seq.) as of June first, nineteen hundred eighty-  
24 five, as follows:

25 a. except as otherwise provided herein there shall be full exemption  
26 from taxation during the [~~period of construction or the period of three~~  
27 ~~years immediately following commencement of construction, whichever~~  
28 ~~expires sooner~~] initial construction period, and for twenty-one years  
29 following such period;

30 b. followed by one year of exemption from eighty percent of such taxa-  
31 tion;

32 c. followed by one year of exemption from sixty percent of such taxa-  
33 tion;

34 d. followed by one year of exemption from forty percent of such taxa-  
35 tion;

36 e. followed by one year of exemption from twenty percent of such taxa-  
37 tion.

38 (B) The benefits of this subparagraph shall not be available in areas  
39 made ineligible for the benefits of this section by a local law enacted  
40 pursuant to paragraph (i) of this subdivision [~~two of this section~~],  
41 notwithstanding any exceptions to ineligibility contained in such local  
42 law for certain types of projects.

43 (C) Notwithstanding the provisions of item (A) or (D) of this subpara-  
44 graph, in the city of New York the benefits of this subparagraph shall  
45 not be available in the borough of Manhattan for tax lots now existing  
46 or hereafter created south of or adjacent to either side of one hundred  
47 tenth street.

48 (D) In addition to being available in the areas described in item (A)  
49 of this subparagraph, the benefits made available pursuant to this  
50 subparagraph shall be available where:

51 a. the construction is carried out with the substantial assistance of  
52 grants, loans or subsidies from any federal, state or local agency or  
53 instrumentality, or

54 b. the local housing agency has imposed a requirement or has certified  
55 that twenty percent of the units be affordable to families of low and  
56 moderate income.

1 (E) Upon the completion of the initial construction period or extended  
 2 construction period, if needed, the new multiple dwelling must be used  
 3 for dwelling purposes.

4 The following table shall illustrate the computation of the exemption:

5 CONSTRUCTION OF CERTAIN  
 6 MULTIPLE DWELLINGS

|  | Exemption |
|--|-----------|
| 7 During <u>Initial</u> Construction <u>Period</u>       | 100%      |
| 8 (maximum three years)                                  |           |
| 9 Following completion of [ <del>work</del> ] <u>the</u> |           |
| 10 <u>initial construction period</u>                    |           |
| 11 Year:   |           |
| 12 1 through 21  | 100%      |
| 13 22  | 80        |
| 14 23  | 60        |
| 15 24  | 40        |
| 16 25  | 20        |

18 [~~E~~] (F) A new multiple dwelling that is situated in (1) a neighbor-  
 19 hood preservation program area as determined by the department of hous-  
 20 ing preservation and development as of June first, nineteen hundred  
 21 eighty-five, (2) a neighborhood preservation area as determined by the  
 22 New York city planning commission as of June first, nineteen hundred  
 23 eighty-five, (3) an area that was eligible for mortgage insurance  
 24 provided by the rehabilitation mortgage insurance corporation as of May  
 25 first, nineteen hundred ninety-two, or (4) an area receiving funding for  
 26 a neighborhood preservation project pursuant to the neighborhood rein-  
 27 vestment corporation act (42 U.S.C. §§ 8101 et seq.) as of June first,  
 28 nineteen hundred eighty-five, shall not be eligible for the benefits  
 29 available pursuant to this subparagraph unless it complies with the  
 30 provisions of subdivision seven of this section.

31 (iv) (A) Unless excluded by local law, in the city of New York, the  
 32 benefits of this subparagraph shall be available in the borough of  
 33 Manhattan for new multiple dwellings on tax lots now existing or here-  
 34 after created south of or adjacent to either side of one hundred tenth  
 35 street that commence construction after July first, nineteen hundred  
 36 ninety-two and on or before December thirty-first, two thousand fifteen  
 37 provided, however, that such a multiple dwelling receives its first  
 38 temporary or permanent certificate of occupancy covering all residential  
 39 areas on or before December thirty-first, two thousand nineteen, and  
 40 solely for purposes of determining whether this clause applies and  
 41 notwithstanding any local law to the contrary, "commence" shall mean the  
 42 date upon which excavation and construction of initial footings and  
 43 foundations lawfully begins in good faith or, for an eligible conver-  
 44 sion, the date upon which the actual construction of the conversion,  
 45 alteration or improvement of the pre-existing building or structure  
 46 lawfully begins in good faith, only if:

47 a. the construction is carried out with the substantial assistance of  
 48 grants, loans or subsidies from any federal, state or local agency or  
 49 instrumentality, or

50 b. the local housing agency has imposed a requirement or has certified  
 51 that twenty percent of the units are affordable to families of low and  
 52 moderate income.

(B) Such new multiple dwellings, except hotels, shall be exempt from taxation for local purposes, other than assessments for local improvements for the tax year or years immediately following taxable status dates occurring subsequent to the commencement and prior to the completion of the initial construction period, but not to exceed three such tax years, and shall continue to be exempt from such taxation in tax years immediately following the taxable status dates first occurring after the expiration of the exemption herein conferred during [~~such~~] the initial construction [~~so long as used at the completion of construction for dwelling purposes~~] period, and during the extended construction period if such period is needed, for a period not to exceed twenty years in the aggregate, as follows:

a. except as otherwise provided herein, there shall be full exemption from taxation during the [~~period of construction or the period of three years immediately following commencement of construction, whichever expires sooner~~] initial construction period, and for twelve years following such period;

b. followed by two years of exemption from eighty percent of such taxation;

c. followed by two years of exemption from sixty percent of such taxation;

d. followed by two years of exemption from forty percent of such taxation;

e. followed by two years of exemption from twenty percent of such taxation.

(C) Upon the completion of the initial construction period or extended construction period, if needed, the new multiple dwelling must be used for dwelling purposes.

The following table shall illustrate the computation of the exemption:

CONSTRUCTION OF CERTAIN  
MULTIPLE DWELLINGS

|    |   |                |
|----|---|----------------|
| 32 | During [ <del>construction</del> ] <u>Initial Construction</u>      |                |
| 33 | <u>Period</u> (maximum three years)                                 | Exemption 100% |
| 34 | Following completion of [ <del>work-year</del> ] <u>the initial</u> |                |
| 35 | <u>construction period</u> :  |                |
| 36 | <u>Year</u>   |                |
| 37 | 1 through 12  | 100%           |
| 38 | 13-14   | 80%            |
| 39 | 15-16   | 60%            |
| 40 | 17-18   | 40%            |
| 41 | 19-20   | 20%            |

§ 3. Paragraph (g) of subdivision 2 of section 421-a of the real property tax law, as amended by chapter 995 of the laws of 1981, is amended to read as follows:

(g) [~~For~~] Notwithstanding anything to the contrary contained in any other state or local law, for purposes of this section, construction shall be deemed "commenced" [~~when excavation or alteration has begun in good faith on the basis of approved construction plans~~] upon the date that, pursuant to any permit approved by a department of buildings: (i) a new metal or concrete structure that shall perform a load bearing function is installed as part of a foundation; (ii) at least one fully driven pile or caisson is installed; or (iii) the actual construction, alteration, or improvement of a pre-existing building or structure

1 begins in a project that includes new residential construction and the  
2 concurrent conversion, alteration or improvement of a pre-existing  
3 building or structure. Provided, however, that with respect to subpara-  
4 graphs (i), (ii) and (iii) of this paragraph, the construction of such  
5 multiple dwelling is completed without undue delay.

6 § 4. The opening paragraph and subparagraph (iv) of paragraph a of  
7 subdivision 3 of section 421-a of the real property tax law, the opening  
8 paragraph as amended by section 63-g of part A of chapter 20 of the laws  
9 of 2015 and subparagraph (iv) as amended by chapter 703 of the laws of  
10 1976 and such section as renumbered by chapter 110 of the laws of 1977,  
11 are amended to read as follows:

12 [~~Application forms for exemption under this section shall be filed~~  
13 ~~with the assessors between February first and March fifteenth and, based~~  
14 ~~on the certification of the local housing agency as herein provided, the~~  
15 ~~assessors shall certify to the collecting officer the amount of taxes to~~  
16 ~~be abated.] If there be in a city of one million population or more a  
17 department of housing preservation and development, the term "housing  
18 agency" shall mean only such department of housing preservation and  
19 development. [~~No such application shall be accepted by the assessors~~  
20 ~~unless accompanied by a certificate of the local housing agency certify-~~  
21 ~~ing the applicant's eligibility pursuant to subdivisions two and four of~~  
22 ~~this section.] No [such] certification of eligibility for benefits  
23 pursuant to this section shall be issued by the local housing agency  
24 until such agency determines the initial adjusted monthly rent to be  
25 paid by tenants residing in rental dwelling units contained within the  
26 multiple dwelling and the comparative adjusted monthly rent that would  
27 have to be paid by such tenants if no tax exemption were applicable as  
28 provided by this section. The initial adjusted monthly rent will be  
29 certified by the local housing agency as the first rent for the subject  
30 dwelling units. A copy of such certification with respect to such units  
31 shall be attached by the applicant to the first effective lease or occu-  
32 pancy agreement. The initial adjusted monthly rent shall reflect the  
33 full tax exemption benefits as approved by the agency.~~~~

34 (iv) The adjusted monthly rent per room per month shall be multiplied  
35 by the room count of each rental dwelling unit to provide the initial  
36 adjusted monthly rent for such dwelling unit. The agency may allow  
37 adjustments in the initial adjusted monthly rent for any particular  
38 dwelling units provided that the total of the initial adjusted monthly  
39 rents for all of the rental dwelling units in a multiple dwelling shall  
40 not exceed the total expenses of such multiple dwelling.

41 The agency shall determine the estimated comparative adjusted monthly  
42 rent that would have to be paid if no tax exemption were applicable as  
43 provided by this section by adding to the adjusted monthly rent for each  
44 dwelling unit as hereinabove computed an amount equal to (a) the differ-  
45 ence between the projected real property taxes which would be levied on  
46 the multiple dwelling and the land on which it is situated at the time  
47 of estimated initial occupancy if no tax abatement were applicable as  
48 provided by this section and the projected real property taxes hereina-  
49 bove utilized in connection with the computation of total expenses; (b)  
50 divided by the room count of the building as per this section; and (c)  
51 multiplied by the applicants approved room count of each such dwelling  
52 unit.

53 The local housing agency may promulgate rules and regulations to carry  
54 out the provisions of this section, not inconsistent with the provisions  
55 hereof, [~~and may require a reasonable filing fee in an amount provided~~  
56 ~~by such rules and regulations~~] including, but not limited to, rules and

1 regulations relating to the filing fee authorized pursuant to paragraph  
2 b of subdivision four of this section.

3 § 5. Paragraph b of subdivision 4 of section 421-a of the real proper-  
4 ty tax law, as added by chapter 744 of the laws of 2004, is amended to  
5 read as follows:

6 b. The local housing agency [~~may~~] shall require a filing fee not to  
7 exceed the greater of (i) four-tenths of one percent of the total  
8 project cost, or (ii) if the building will be owned as a cooperative or  
9 condominium, four-tenths of one percent of the total project cost or  
10 four-tenths of one percent of the total project sell-out price stated in  
11 the last amendment to the offering plan accepted for filing by the  
12 attorney general of the state, at the option of the applicant. Such  
13 total project cost or total project sell-out price shall be determined  
14 pursuant to rules promulgated by the local housing agency. Notwithstand-  
15 ing the foregoing, the local housing agency may promulgate rules impos-  
16 ing an additional fee if an application, or any part thereof, or  
17 submission in connection therewith, is defective and such defect delays  
18 the processing of such application or causes the local housing agency to  
19 expend additional resources in the processing of such application.

20 § 6. Subparagraph (i) of paragraph (a) of subdivision 6 of section  
21 421-a of the real property tax law, as added by chapter 110 of the laws  
22 of 2005, is amended to read as follows:

23 (i) "Covered project." (A) A new building located within the Green-  
24 point - Williamsburg waterfront exclusion area, (B) two or more build-  
25 ings which are part of one contiguous development entirely located with-  
26 in the Greenpoint - Williamsburg waterfront exclusion area, (C) two or  
27 more buildings which are located within the Greenpoint - Williamsburg  
28 waterfront exclusion area and are part of a single development parcel  
29 specifically identified in section [~~62-831~~] 62-931 of the local zoning  
30 resolution, or (D) where so authorized in writing by the local housing  
31 agency, one or more buildings located within the Greenpoint - Williams-  
32 burg waterfront exclusion area and one or more buildings located outside  
33 the Greenpoint - Williamsburg waterfront exclusion area but within  
34 Community District Number One in the borough of Brooklyn. The cumulative  
35 number of affordable units located outside the Greenpoint - Williamsburg  
36 waterfront exclusion area in all covered projects described in clause  
37 (D) of this subparagraph shall not exceed two hundred. A building  
38 located outside the Greenpoint - Williamsburg waterfront exclusion area  
39 which is part of a covered project described in clause (D) of this  
40 subparagraph shall not contain any affordable units with respect to  
41 which an application pending before a governmental entity on [~~the effec-~~  
42 ~~tive date of this subdivision~~] June twenty-first, two thousand five or a  
43 written agreement in effect on [~~the effective date of this subdivision~~]  
44 June twenty-first, two thousand five provided for the development of  
45 such affordable units.

46 § 7. Subdivision (c) of section 11-245 of the administrative code of  
47 the city of New York, as amended by local law number 42 of the city of  
48 New York for the year 2003, is amended to read as follows:

49 (c) No benefits under section four hundred twenty-one-a of the real  
50 property tax law shall be conferred for any construction commenced on or  
51 after November twenty-ninth, nineteen hundred eighty-five of any multi-  
52 ple dwelling, or portion thereof, which is located within any district  
53 in the county of New York where a maximum base floor area ratio, as that  
54 term is defined in the zoning resolution, of fifteen or greater was  
55 permitted as of right by provisions of such resolution in effect on  
56 April fourteenth, nineteen hundred eighty-two; provided, however, that

1 this limitation on benefits shall not apply to any such construction  
2 commenced on or after October first, nineteen hundred ninety-three and  
3 before December [~~thirty-first~~] twenty-eighth, two thousand [~~seven~~] nine-  
4 teen.

5 § 8. Subdivision 8 of section 421-a of the real property tax law, as  
6 amended by section 63-m of part A of chapter 20 of the laws of 2015, is  
7 amended to read as follows:

8 8. (a) As used in this subdivision, the following terms shall have the  
9 following meanings:

10 (i) "Applicant" means an applicant for benefits pursuant to this  
11 section, any successor to such applicant, or any employer of building  
12 service employees for such applicant, including, but not limited to, a  
13 property management company or contractor.

14 (ii) "Building service employee" means any person who is regularly  
15 employed at a building who performs work in connection with the care or  
16 maintenance of such building. "Building service employee" includes, but  
17 is not limited to, watchman, guard, doorman, building cleaner, porter,  
18 handyman, janitor, gardener, groundskeeper, elevator operator and start-  
19 er, and window cleaner, but shall not include persons regularly sched-  
20 uled to work fewer than eight hours per week in the building.

21 (iii) "Construction employee" means a laborer, worker or mechanic in  
22 the employ of the contractor, subcontractor or other person doing or  
23 contracting to do the whole or a portion of the construction of a new  
24 multiple dwelling.

25 (iv) "Fiscal officer" means the comptroller or other analogous officer  
26 in a city having a population of one million or more.

27 (b) All building service employees employed by the applicant in a  
28 building whose construction commenced on or after December twenty-  
29 eighth, two thousand seven shall receive the applicable prevailing wage  
30 for the duration of benefits pursuant to this section. Notwithstanding  
31 any general, special or local law, or judicial decision to the contrary,  
32 for the purposes of this section such construction which may involve the  
33 employment of laborers, workers or mechanics, except as provided in  
34 paragraph (d) of this subdivision, shall be deemed public work for the  
35 purposes of article eight of the labor law and all contracts and subcon-  
36 tracts which may involve the employment of laborers, workers or mechan-  
37 ics shall be enforceable under article eight of the labor law.

38 (c) The fiscal officer shall have the power to enforce the provisions  
39 of this subdivision. In enforcing such provisions, the fiscal officer  
40 shall have the power:

41 (i) to investigate or cause an investigation to be made to determine  
42 the prevailing wages for building service employees and construction  
43 employees; in making such investigation, the fiscal officer may utilize  
44 wage and fringe benefit data from various sources, including, but not  
45 limited to, data and determinations of federal, state or other govern-  
46 mental agencies;

47 (ii) to institute and conduct inspections at the site of the work or  
48 elsewhere;

49 (iii) to examine the books, documents and records pertaining to the  
50 wages paid to, and the hours of work performed by, building service  
51 employees;

52 (iv) to hold hearings and, in connection therewith, to issue subpoe-  
53 nas, administer oaths and examine witnesses; the enforcement of a  
54 subpoena issued under this subdivision shall be regulated by the civil  
55 practice law and rules;

1 (v) to make a classification by craft, trade or other generally recog-  
2 nized occupational category of the building service employees and  
3 construction employees and to determine whether such work has been  
4 performed by the building service employees and construction employees  
5 in such classification;

6 (vi) to require the applicant to file with the fiscal officer a record  
7 of the wages actually paid by such applicant to the building service  
8 employees or construction employees and of their hours of work;

9 (vii) to delegate any of the foregoing powers to his or her deputy or  
10 other authorized representative; and

11 (viii) to promulgate rules as he or she shall consider necessary for  
12 the proper execution of the duties, responsibilities and powers  
13 conferred upon him or her by the provisions of this paragraph.

14 (d) If the fiscal officer finds that the applicant has failed to  
15 comply with the provisions of this subdivision, he or she shall present  
16 evidence of such noncompliance to the local housing agency.

17 (e) [~~Paragraph~~] For building service employees, paragraph (b) of this  
18 subdivision shall not be applicable to:

19 (i) projects containing less than fifty dwelling units; or

20 (ii) buildings where the local housing agency certifies that at  
21 initial occupancy at least fifty percent of the dwelling units are  
22 affordable to individuals or families with a gross household income at  
23 or below one hundred twenty-five percent of the area median income and  
24 that any such units which are located in rental buildings will be  
25 subject to restrictions to insure that they will remain affordable for  
26 the entire period during which they receive benefits under this section.

27 (f) For construction employees, paragraph (b) of this subdivision  
28 shall not be applicable to:

29 (i) projects containing less than eighty dwelling units; or

30 (ii) buildings where the local housing agency certifies that at  
31 initial occupancy at least fifty percent of the dwelling units are  
32 affordable to individuals or families with a gross household income at  
33 or below one hundred twenty-five percent of the area median income and  
34 that any such units which are located in rental buildings will be  
35 subject to restrictions to insure that they will remain affordable for  
36 the entire period during which they receive benefits under this section.

37 (g) The local housing agency shall prescribe appropriate sanctions for  
38 failure to comply with the provisions of this subdivision.

39 [~~(g)~~] (h) Solely for purposes of paragraph (b) of this subdivision,  
40 construction shall be deemed to have commenced [~~when excavation or~~  
41 ~~alteration has begun in good faith on the basis of approved construction~~  
42 ~~plans~~] upon the date that, pursuant to any permit approved by a depart-  
43 ment of buildings, (i) a new metal or concrete structure that shall  
44 perform a load bearing function is installed as part of a foundation,  
45 (ii) at least one fully driven pile or caisson is installed, or (iii)  
46 the actual construction, alteration, or improvement of a pre-existing  
47 building or structure begins in a project that includes new residential  
48 construction and the concurrent conversion, alteration or improvement of  
49 a pre-existing building or structure. Provided, however, that with  
50 respect to subparagraphs (i), (ii) and (iii) of this paragraph, the  
51 construction of such multiple dwelling is completed without undue delay.

52 [~~(h)~~] (i) The eligibility criteria for benefits contained in this  
53 subdivision shall be in addition to those contained in any other law or  
54 regulation.

55 § 9. The New York city charter is amended by adding a new section 1806  
56 to read as follows:

1 § 1806. Additional floor area. Any program that allows for additional  
2 floor area in exchange for the creation of affordable housing shall  
3 require that thirty percent of any additional floor area generated by  
4 the program be used to provide affordable housing.

5 § 10. The real property tax law is amended by adding a new section  
6 421-p to read as follows:

7 § 421-p. Exemption of certain private homes from local taxation. 1.  
8 For purposes of this section, the following terms shall have the follow-  
9 ing meanings:

10 (a) "Commence construction" shall mean that the agency or department  
11 of the city having jurisdiction has issued a permit for construction of  
12 a private home and such work has begun in good faith in accordance with  
13 such permit.

14 (b) "Complete construction" shall mean that the agency or department  
15 of the city having jurisdiction has issued a temporary or permanent  
16 certificate of occupancy for all residential areas of the private home.

17 (c) "Eligible project" shall mean a newly constructed private home,  
18 including both land and improvements, to be occupied as a residence for  
19 the first time, which commences construction on or after July first, two  
20 thousand sixteen and on or before December thirty-first, two thousand  
21 twenty and completes construction no later than December thirty-first,  
22 two thousand twenty-two, and which is designed and occupied exclusively  
23 for residential purposes.

24 (d) "Exemption commencement date" shall mean the first taxable status  
25 date after the later to occur of the completion of such construction or  
26 the sale to the initial purchaser or, in the case of a private home in a  
27 condominium form of ownership, the first taxable status date after the  
28 later to occur of the completion of such construction or the sale to the  
29 first initial purchaser of a condominium dwelling unit in such private  
30 home.

31 (e) "Initial purchaser" shall mean the first purchaser of a newly  
32 constructed private home or, in the case of a private home in a condo-  
33 minium form of ownership, the first purchaser of each dwelling unit in  
34 such newly constructed private home.

35 (f) "Local housing agency" shall mean an "agency" as defined pursuant  
36 to section six hundred ninety-two of the general municipal law.

37 (g) "Purchase price" shall mean the actual purchase price to be paid  
38 for the private home by the initial purchaser.

39 (h) "Maximum purchase price" shall mean the purchase price of the  
40 private home which, if exceeded, will make any exemption hereunder  
41 unavailable.

42 (i) "Maximum exemption amount" shall mean the portion of the purchase  
43 price to be exempted from taxation of: (i) six hundred seventy-one thou-  
44 sand dollars in the case of a private home containing one dwelling unit,  
45 (ii) seven hundred fifty-five thousand five hundred forty dollars in the  
46 case of a private home containing two dwelling units, (iii) nine hundred  
47 fourteen thousand seven hundred fifty dollars in the case of a private  
48 home containing three dwelling units, and (iv) four hundred thousand  
49 dollars for each individual condominium unit in the case of condominium  
50 form of ownership in a private home. The maximum purchase prices  
51 provided in subparagraphs (i), (ii), (iii) and (iv) of this paragraph  
52 shall be the limit for the application of any exemption from taxation  
53 under this section. No exemption shall be available where the maximum  
54 purchase price exemption is in excess of nine hundred fifty thousand  
55 dollars for a one, two, or three family private home or four hundred  
56 thousand dollars for an individual condominium unit.

1 (j) "Multiple dwelling" shall mean a multiple dwelling within the  
2 meaning of section four of the multiple dwelling law.

3 (k) "Private home" shall mean an owner occupied private or multiple  
4 dwelling containing not more than three dwelling units, as indicated on  
5 the certificate of occupancy for such structure.

6 2. (a) Within a city having a population of one million or more, an  
7 eligible project shall be exempt from all local and municipal taxes,  
8 other than assessments for local improvements, during the tax year or  
9 years next following the exemption commencement date as follows: with  
10 respect to private homes containing less than four dwelling units, two  
11 years of exemption from all such taxes; followed by one year of  
12 exemption from seventy-five percent of such taxes; followed by one year  
13 of exemption from sixty-two and one-half percent of such taxes; followed  
14 by one year of exemption from fifty percent of such taxes; followed by  
15 one year of exemption from thirty-seven and one-half percent of such  
16 taxes; followed by one year of exemption from twenty-five percent of  
17 such taxes; and followed by one year of exemption from twelve and one-  
18 half percent of such taxes.

19 (b) Notwithstanding the provisions of paragraph (a) of this subdivi-  
20 sion, exemption from local and municipal taxes under this section shall  
21 not be available to the tax lot (land and improvements) upon which a  
22 private home is constructed if any portion of such tax lot (land and  
23 improvements): (i) is exempt from local and municipal taxes under any  
24 other law; or (ii) contains a private home that exceeds the maximum  
25 purchase price or an individual condominium unit that exceeds a purchase  
26 price of four hundred thousand dollars.

27 (c) Notwithstanding the provisions of paragraph (a) of this subdivi-  
28 sion, the tax lot (land and improvements) upon which the private home is  
29 constructed shall at all times be subject to local and municipal taxes  
30 in an amount not less than the amount of local and municipal taxes that  
31 would be payable thereon based upon the assessed valuation of the land  
32 appearing on the assessment roll in the first year after completion of  
33 construction.

34 3. (a) Based on the certification of the local housing agency pursuant  
35 to this section certifying eligibility for exemption pursuant to this  
36 section, the department of finance of the city of New York shall imple-  
37 ment the amount of exemption from local and municipal taxes.

38 (b) The local housing agency may promulgate rules and regulations to  
39 carry out the provisions of this section and may require payment of a  
40 non-refundable filing fee in the amount of two hundred dollars per  
41 dwelling unit for each application for tax exemption pursuant to this  
42 section.

43 (c) Upon a finding by the local housing agency or by another agency  
44 designated by such local housing agency that a private home is not being  
45 used for residential purposes, is the subject of a violation for an  
46 illegal occupancy, or not owner occupied, exemption from taxation under  
47 this section shall be revoked and shall terminate prospectively;  
48 provided, however, that in the case of an illegal occupancy, the owner  
49 shall repay all taxes, with interest, from which such private home was  
50 exempted and such amount, if unpaid, shall become a tax lien against the  
51 property.

52 § 11. This act shall take effect immediately.