

STATE OF NEW YORK

6115

2017-2018 Regular Sessions

IN SENATE

May 11, 2017

Introduced by Sen. FELDER -- read twice and ordered printed, and when printed to be committed to the Committee on Energy and Telecommunications

AN ACT to amend the tax law and part C of chapter 2 of the laws of 2005 amending the tax law relating to exemptions from sales and use taxes, in relation to extending certain provisions thereof

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

1 Section 1. Subparagraph (A) of paragraph 7 of subdivision (ee) of
2 section 1115 of the tax law, as amended by section 33 of part A of chap-
3 ter 20 of the laws of 2015, is amended to read as follows:

4 (A) "Tenant" means a person who, as lessee, enters into a space lease
5 with a landlord for a term of ten years or more commencing on or after
6 September first, two thousand five, but not later than, in the case of a
7 space lease with respect to leased premises located in eligible areas as
8 defined in clause (i) of subparagraph (D) of this paragraph, September
9 first, two thousand [~~seventeen~~] twenty-one and, in the case of a space
10 lease with respect to leased premises located in eligible areas as
11 defined in clause (ii) of subparagraph (D) of this paragraph not later
12 than September first, two thousand [~~nineteen~~] twenty-three, of premises
13 for use as commercial office space in buildings located or to be located
14 in the eligible areas. A person who currently occupies premises for use
15 as commercial office space under an existing lease in a building in the
16 eligible areas shall not be eligible for exemption under this subdivi-
17 sion unless such existing lease, in the case of a space lease with
18 respect to leased premises located in eligible areas as defined in
19 clause (i) of subparagraph (D) of this paragraph expires according to
20 its terms before September first, two thousand [~~seventeen~~] twenty-one or
21 such existing lease, in the case of a space lease with respect to leased
22 premises located in eligible areas as defined in clause (ii) of subpara-
23 graph (D) of this paragraph and such person enters into a space lease,

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

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1 for a term of ten years or more commencing on or after September first,
2 two thousand five, of premises for use as commercial office space in a
3 building located or to be located in the eligible areas, provided that
4 such space lease with respect to leased premises located in eligible
5 areas as defined in clause (i) of subparagraph (D) of this paragraph
6 commences no later than September first, two thousand [~~seventeen~~] twen-
7 ty-one, and provided that such space lease with respect to leased prem-
8 ises located in eligible areas as defined in clause (ii) of subparagraph
9 (D) of this paragraph commences no later than September first, two thou-
10 sand [~~nineteen~~] twenty-three and provided, further, that such space
11 lease shall expire no earlier than ten years after the expiration of the
12 original lease.

13 § 2. Section 2 of part C of chapter 2 of the laws of 2005, amending
14 the tax law relating to exemptions from sales and use taxes, as amended
15 by section 34 of part A of chapter 20 of the laws of 2015, is amended to
16 read as follows:

17 § 2. This act shall take effect September 1, 2005 and shall expire and
18 be deemed repealed on December 1, [~~2020~~] 2024, and shall apply to sales
19 made, uses occurring and services rendered on or after such effective
20 date, in accordance with the applicable transitional provisions of
21 sections 1106 and 1217 of the tax law; except that clause (i) of subpar-
22 agraph (D) of paragraph seven of subdivision (ee) of section 1115 of the
23 tax law, as added by section one of this act, shall expire and be deemed
24 repealed December 1, [~~2018~~] 2022.

25 § 3. This act shall take effect immediately.