STATE OF NEW YORK

304

2017-2018 Regular Sessions

IN ASSEMBLY

January 5, 2017

Introduced by M. of A. BICHOTTE -- read once and referred to the Committee on Real Property Taxation

AN ACT to amend the public housing law and the real property tax law, in relation to requiring taxpayers claiming certain tax credits, abatements and exemptions related to real estate development to be in compliance with certain requirements relating to minority and women-owned business enterprise participation in contracts; to amend the private housing finance law, in relation to requiring that certain applicants for grants and loans through the low income turnkey/enhanced housing trust fund program be in compliance with certain requirements relating to minority and women-owned business enterprise participation in contracts; to amend the private housing finance law, in relation to requiring that applicants for contracts for the furnishing of housing for persons of low income be in compliance with certain requirements relating to minority and women-owned business enterprise participation in contracts; to amend the real property tax law, the private housing finance law and the administrative code of the city of New York, in relation to requiring that local laws providing for a tax exemption or abatement for certain residential projects be in compliance with certain requirements relating to minority and women-owned business enterprise participation in contracts; to amend the real property tax law, in relation to making certain technical changes; and to provide for the expiration and repeal of such provisions

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

Section 1. Section 22 of the public housing law is amended by adding a new subdivision 8 to read as follows:

8. Minority and women-owned business enterprise participation. No credit shall be allowable under the provisions of this section unless the taxpayer claiming the credit is in full compliance with the

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

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provisions of sections three hundred twelve and three hundred thirteen of the executive law, to the extent that such provisions apply; provided, however, that a taxpayer granted a waiver of compliance as provided in section three hundred thirteen of the executive law shall be deemed to be in compliance with such provisions.

§ 2. Subdivision 2 of section 421-a of the real property tax law is amended by adding a new closing paragraph to read as follows:

No exemption shall be allowable under the provisions of this section unless the taxpayer claiming the exemption is in full compliance with the provisions of sections three hundred twelve and three hundred thirteen of the executive law, to the extent that such provisions apply; provided, however, that a taxpayer granted a waiver of compliance as provided in section three hundred thirteen of the executive law shall be deemed to be in compliance with such provisions.

§ 3. The opening paragraph of paragraph a of subdivision 3 of section 421-a of the real property tax law, as amended by section 63-g of part A of chapter 20 of the laws of 2015, is amended to read as follows:

Application forms for exemption under this section shall be filed with the assessors between February first and March fifteenth and, based on the certification of the local housing agency as herein provided, the assessors shall certify to the collecting officer the amount of taxes to be abated. If there be in a city of one million population or more a department of housing preservation and development, the term "housing agency" shall mean only such department of housing preservation and development. No such application shall be accepted by the assessors unless accompanied by a certificate of the local housing agency certifying the applicant's eligibility pursuant to subdivisions two and four of this section. No such certification of eligibility shall be issued by the local housing agency until such agency determines whether the applicant is in full compliance with the provisions of sections three hundred twelve and three hundred thirteen of the executive law, to the extent that such provisions apply, and the initial adjusted monthly rent to be paid by tenants residing in rental dwelling units contained within the multiple dwelling and the comparative adjusted monthly rent that would have to be paid by such tenants if no tax exemption were applicable as provided by this section. The initial adjusted monthly rent will be certified by the local housing agency as the first rent for the subject dwelling units. A copy of such certification with respect to such units shall be attached by the applicant to the first effective lease or occupancy agreement. The initial adjusted monthly rent shall reflect the full tax exemption benefits as approved by the agency.

§ 4. Section 421-b of the real property tax law is amended by adding a new subdivision 4 to read as follows:

4. No exemption shall be allowable under the provisions of this section unless the taxpayer claiming the exemption is in full compliance with the provisions of sections three hundred twelve and three hundred thirteen of the executive law, to the extent that such provisions apply; provided, however, that a taxpayer granted a waiver of compliance as provided in section three hundred thirteen of the executive law shall be deemed to be in compliance with such provisions.

§ 5. Section 421-c of the real property tax law is amended by adding a new subdivision 4 to read as follows:

4. No exemption shall be allowable under the provisions of this section unless the taxpayer claiming the exemption is in full compliance with the provisions of sections three hundred twelve and three hundred thirteen of the executive law, to the extent that such provisions apply;

provided, however, that a taxpayer granted a waiver of compliance as provided in section three hundred thirteen of the executive law shall be deemed to be in compliance with such provisions.

§ 6. Section 421-d of the real property tax law is amended by adding a new subdivision 3 to read as follows:

3. Any local law providing for a tax exemption as provided in this section shall require the taxpayer claiming the exemption be in full compliance with the provisions of sections three hundred twelve and three hundred thirteen of the executive law, to the extent that such provisions apply; provided, however, that a taxpayer granted a waiver of compliance as provided in section three hundred thirteen of the executive law shall be deemed to be in compliance with such provisions.

§ 7. Section 421-e of the real property tax law, as amended by chapter 121 of the laws of 1988, is amended to read as follows:

§ 421-e. Exemption of cooperative, condominium, homesteading and rental projects from local taxation. **1.** The local legislative body of any city, town or village is hereby authorized and empowered to adopt and amend a local law to provide that any cooperative, condominium, homesteading or rental project which receives payments, grants or loans pursuant to article eighteen of the private housing finance law or any new construction project which receives payments, grants or loans pursuant to article nineteen of the private housing finance law shall be exempt from taxation as provided in such local law. Such local law may provide that such eligible property shall be exempt from all or any portion of the taxes imposed by a municipality, including those imposed by a school district, other than assessments for local improvements for a period not to exceed twenty years in the aggregate after the taxable status date immediately following the completion thereof, calculated not to exceed the following exemptions: twelve years of full exemption followed by two years of exemption from eighty percent of such taxation, followed by two years of exemption from sixty percent of such taxation, followed by two years of exemption from forty percent of such taxation, followed by two years of exemption from twenty percent of such taxation; provided that the tax exemption authorized by this section shall be in addition to any other tax exemption or abatement authorized by law, and provided further, however, that in the event a cooperative, condominium, homesteading or rental project ceases to be subject to one or more provisions of article eighteen of the private housing finance law pursuant to the provisions of paragraph (c) of subdivision six-a of section eleven hundred two of such law, any tax exemption authorized pursuant to this section with respect to the eligible property of such project shall terminate.

2. Any local law providing for a tax exemption as provided in this section shall require the taxpayer claiming the exemption be in full compliance with the provisions of sections three hundred twelve and three hundred thirteen of the executive law, to the extent that such provisions apply; provided, however, that a taxpayer granted a waiver of compliance as provided in section three hundred thirteen of the executive law shall be deemed to be in compliance with such provisions.

§ 8. Section 421-f of the real property tax law is amended by adding a new subdivision 9 to read as follows:

9. Any local law or resolution providing for a tax exemption as provided in this section shall require the taxpayer claiming the exemption be in full compliance with the provisions of sections three hundred twelve and three hundred thirteen of the executive law, to the extent that such provisions apply; provided, however, that a taxpayer

granted a waiver of compliance as provided in section three hundred thirteen of the executive law shall be deemed to be in compliance with such provisions.

§ 9. Section 421-ff of the real property tax law is amended by adding a new subdivision 9 to read as follows:

9. Any local law or resolution providing for a tax exemption as provided in this section shall require the taxpayer claiming the exemption be in full compliance with the provisions of sections three hundred twelve and three hundred thirteen of the executive law, to the extent that such provisions apply; provided, however, that a taxpayer granted a waiver of compliance as provided in section three hundred thirteen of the executive law shall be deemed to be in compliance with such provisions.

§ 10. Subdivision 7 of section 421-h of the real property tax law, as added by chapter 502 of the laws of 2003, is amended by adding a new paragraph (c) to read as follows:

(c) Any local law or resolution providing for a tax exemption as provided in this section shall require the taxpayer claiming the exemption be in full compliance with the provisions of sections three hundred twelve and three hundred thirteen of the executive law, to the extent that such provisions apply; provided, however, that a taxpayer granted a waiver of compliance as provided in section three hundred thirteen of the executive law shall be deemed to be in compliance with such provisions.

§ 11. Subdivision 7 of section 421-h of the real property tax law, as added by chapter 550 of the laws of 2004, is amended by adding a new paragraph (d) to read as follows:

(d) Any local law or resolution providing for a tax exemption as provided in this section shall require the taxpayer claiming the exemption be in full compliance with the provisions of sections three hundred twelve and three hundred thirteen of the executive law, to the extent that such provisions apply; provided, however, that a taxpayer granted a waiver of compliance as provided in section three hundred thirteen of the executive law shall be deemed to be in compliance with such provisions.

§ 12. Section 421-h of the real property tax law, as added by chapter 550 of the laws of 2004, is renumbered section 421-p.

§ 13. Subdivision 7 of section 421-i of the real property tax law, as added by chapter 397 of the laws of 2005, is amended by adding a new paragraph (c) to read as follows:

(c) Any local law or resolution providing for a tax exemption as provided in this section shall require the taxpayer claiming the exemption be in full compliance with the provisions of sections three hundred twelve and three hundred thirteen of the executive law, to the extent that such provisions apply; provided, however, that a taxpayer granted a waiver of compliance as provided in section three hundred thirteen of the executive law shall be deemed to be in compliance with such provisions.

§ 14. Subdivision 7 of section 421-i of the real property tax law, as added by chapter 181 of the laws of 2006, is amended by adding a new paragraph (c) to read as follows:

(c) Any local law or resolution providing for a tax exemption as provided in this section shall require the taxpayer claiming the exemption be in full compliance with the provisions of sections three hundred twelve and three hundred thirteen of the executive law, to the extent that such provisions apply; provided, however, that a taxpayer

granted a waiver of compliance as provided in section three hundred thirteen of the executive law shall be deemed to be in compliance with such provisions.

§ 15. Section 421-i of the real property tax law, as added by chapter 181 of the laws of 2006, is renumbered section 421-q.

§ 16. Subdivision 6 of section 421-j of the real property tax law, as added by chapter 399 of the laws of 2006, is amended by adding a new paragraph (c) to read as follows:

(c) Any local law or resolution providing for a tax exemption as provided in this section shall require the taxpayer claiming the exemption be in full compliance with the provisions of sections three hundred twelve and three hundred thirteen of the executive law, to the extent that such provisions apply; provided, however, that a taxpayer granted a waiver of compliance as provided in section three hundred thirteen of the executive law shall be deemed to be in compliance with such provisions.

§ 17. Subdivision 7 of section 421-j of the real property tax law, as added by chapter 590 of the laws of 2006, is amended by adding a new paragraph (c) to read as follows:

(c) Any local law or resolution providing for a tax exemption as provided in this section shall require the taxpayer claiming the exemption be in full compliance with the provisions of sections three hundred twelve and three hundred thirteen of the executive law, to the extent that such provisions apply; provided, however, that a taxpayer granted a waiver of compliance as provided in section three hundred thirteen of the executive law shall be deemed to be in compliance with such provisions.

§ 18. Section 421-j of the real property tax law, as added by chapter 590 of the laws of 2006, is renumbered section 421-r.

§ 19. Subdivision 7 of section 421-k of the real property tax law is amended by adding a new paragraph (c) to read as follows:

(c) Any local law or resolution providing for a tax exemption as provided in this section shall require the taxpayer claiming the exemption be in full compliance with the provisions of sections three hundred twelve and three hundred thirteen of the executive law, to the extent that such provisions apply; provided, however, that a taxpayer granted a waiver of compliance as provided in section three hundred thirteen of the executive law shall be deemed to be in compliance with such provisions.

§ 20. Paragraphs (b) and (c) of subdivision 5 of section 421-l of the real property tax law, as added by chapter 122 of the laws of 2012, are amended and a new paragraph (d) is added to read as follows:

(b) The owner of real property applying for such exemption has satisfied all outstanding town, county, village and school tax obligations; [~~and~~]

(c) Such reconstruction, alteration or improvement is documented by a building permit, if required, for the improvements or other appropriate documentation as required by the assessor and/or code enforcement officer[~~.~~]; and

(d) Any local law or resolution providing for a tax exemption as provided in this section shall require the taxpayer claiming the exemption be in full compliance with the provisions of sections three hundred twelve and three hundred thirteen of the executive law, to the extent that such provisions apply; provided, however, that a taxpayer granted a waiver of compliance as provided in section three hundred

thirteen of the executive law shall be deemed to be in compliance with such provisions.

§ 21. Section 421-m of the real property tax law is amended by adding a new subdivision 8 to read as follows:

8. Any local law or resolution providing for a tax exemption as provided in this section shall require the taxpayer claiming the exemption be in full compliance with the provisions of sections three hundred twelve and three hundred thirteen of the executive law, to the extent that such provisions apply; provided, however, that a taxpayer granted a waiver of compliance as provided in section three hundred thirteen of the executive law shall be deemed to be in compliance with such provisions.

§ 22. Subdivision 7 of section 421-n of the real property tax law is amended by adding a new paragraph (c) to read as follows:

(c) Any local law or resolution providing for a tax exemption as provided in this section shall require the taxpayer claiming the exemption be in full compliance with the provisions of sections three hundred twelve and three hundred thirteen of the executive law, to the extent that such provisions apply; provided, however, that a taxpayer granted a waiver of compliance as provided in section three hundred thirteen of the executive law shall be deemed to be in compliance with such provisions.

§ 23. Section 467-b of the real property tax law is amended by adding a new subdivision 8-a to read as follows:

(8-a) No tax abatement shall be allowable under the provisions of this section unless the taxpayer claiming the abatement is in full compliance with the provisions of sections three hundred twelve and three hundred thirteen of the executive law, to the extent that such provisions apply; provided, however, that a taxpayer granted a waiver of compliance as provided in section three hundred thirteen of the executive law shall be deemed to be in compliance with such provisions.

§ 24. Section 1102 of the private housing finance law is amended by adding a new subdivision 9 to read as follows:

9. No applicant shall be eligible for a contract as provided in this section unless such applicant is in full compliance with the provisions of sections three hundred twelve and three hundred thirteen of the executive law, to the extent that such provisions apply; provided, however, that a taxpayer granted a waiver of compliance as provided in section three hundred thirteen of the executive law shall be deemed to be in compliance with such provisions.

§ 25. Section 1106-d of the private housing finance law is amended by adding a new subdivision 3 to read as follows:

3. No applicant shall be eligible for a grant or loan as provided in this section unless such applicant is in full compliance with the provisions of sections three hundred twelve and three hundred thirteen of the executive law, to the extent that such provisions apply; provided, however, that a taxpayer granted a waiver of compliance as provided in section three hundred thirteen of the executive law shall be deemed to be in compliance with such provisions.

§ 26. Section 1106-h of the private housing finance law is amended by adding a new subdivision 5 to read as follows:

5. Any local law providing for a tax exemption or tax abatement as provided in this section shall require the taxpayer claiming the exemption be in full compliance with the provisions of sections three hundred twelve and three hundred thirteen of the executive law, to the extent that such provisions apply; provided, however, that a taxpayer

granted a waiver of compliance as provided in section three hundred thirteen of the executive law shall be deemed to be in compliance with such provisions.

§ 27. Section 11-242 of the administrative code of the city of New York is amended by adding a new subdivision (k) to read as follows:

(k) No tax exemption or abatement shall be allowable under the provisions of this section unless the taxpayer claiming the exemption or the abatement is in full compliance with the provisions of sections three hundred twelve and three hundred thirteen of the executive law, to the extent that such provisions apply; provided, however, that a taxpayer granted a waiver of compliance as provided in section three hundred thirteen of the executive law shall be deemed to be in compliance with such provisions.

§ 28. Section 11-243 of the administrative code of the city of New York is amended by adding a new subdivision (ff) to read as follows:

(ff) No tax exemption or abatement shall be allowable under the provisions of this section unless the taxpayer claiming the exemption or the abatement is in full compliance with the provisions of sections three hundred twelve and three hundred thirteen of the executive law, to the extent that such provisions apply; provided, however, that a taxpayer granted a waiver of compliance as provided in section three hundred thirteen of the executive law shall be deemed to be in compliance with such provisions.

§ 29. Section 11-244 of the administrative code of the city of New York is amended by adding a new subdivision (m) to read as follows:

(m) No tax exemption or abatement shall be allowable under the provisions of this section unless the taxpayer claiming the exemption or the abatement is in full compliance with the provisions of sections three hundred twelve and three hundred thirteen of the executive law, to the extent that such provisions apply; provided, however, that a taxpayer granted a waiver of compliance as provided in section three hundred thirteen of the executive law shall be deemed to be in compliance with such provisions.

§ 30. Section 11-257 of the administrative code of the city of New York is amended by adding a new subdivision (i) to read as follows:

(i) No tax exemption or abatement shall be allowable under the provisions of this section unless the taxpayer claiming the exemption or the abatement is in full compliance with the provisions of sections three hundred twelve and three hundred thirteen of the executive law, to the extent that such provisions apply; provided, however, that a taxpayer granted a waiver of compliance as provided in section three hundred thirteen of the executive law shall be deemed to be in compliance with such provisions.

§ 31. Section 26-406 of the administrative code of the city of New York is amended by adding a new subdivision (f) to read as follows:

(f) No tax abatement shall be allowable under the provisions of this section unless the taxpayer claiming the abatement is in full compliance with the provisions of sections three hundred twelve and three hundred thirteen of the executive law, to the extent that such provisions apply; provided, however, that a taxpayer granted a waiver of compliance as provided in section three hundred thirteen of the executive law shall be deemed to be in compliance with such provisions.

§ 32. Section 26-509 of the administrative code of the city of New York is amended by adding a new subdivision (e) to read as follows:

(e) No tax abatement shall be allowable under the provisions of this section unless the taxpayer claiming the abatement is in full compliance

with the provisions of sections three hundred twelve and three hundred thirteen of the executive law, to the extent that such provisions apply; provided, however, that a taxpayer granted a waiver of compliance as provided in section three hundred thirteen of the executive law shall be deemed to be in compliance with such provisions.

§ 33. This act shall take effect immediately; provided, however, that:

a. the provisions of this act shall expire and be deemed repealed on the same date as section 313 of the executive law expires and is deemed repealed pursuant to subdivision (h) of section 121 of chapter 261 of the laws of 1988, as amended;

b. the amendments to section 421-d of the real property tax law made by section six of this act shall not affect the repeal of such section and shall be deemed repealed therewith;

c. the amendments to section 467-b of the real property tax law made by section twenty-three of this act shall survive the expiration and reversion of such section as provided in section 17 of chapter 576 of the laws of 1974, as amended; and

d. provided that the amendments to section 26-406 of the city rent and rehabilitation law made by section thirty-one of this act shall remain in full force and effect only as long as the public emergency requiring the regulation and control of residential rents and evictions continues, as provided in subdivision 3 of section 1 of the local emergency housing rent control act; and

e. the amendments to section 26-509 of the administrative code of the city of New York made by section thirty-two of this act shall not affect the expiration of such section pursuant to section 26-520 of such code and shall expire therewith.