STATE OF NEW YORK

1420

2017-2018 Regular Sessions

IN SENATE

January 9, 2017

Introduced by Sen. AVELLA -- read twice and ordered printed, and when printed to be committed to the Committee on Cities

AN ACT to amend the real property tax law, in relation to exemptions from local real property taxation of certain low income housing accommodations in a city with a population of one million or more

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

Section 1. Subdivision 1 of section 420-c of the real property tax law, as amended by chapter 104 of the laws of 1999, is amended to read as follows:

1. In a city having a population of one million or more, real property owned by a corporation, partnership or limited liability company formed for the purpose of providing housing accommodations for persons and families of low income as defined in section two of the private housing finance law and used for such purpose, shall be exempt from local real property taxation, provided that such corporation, partnership or limited liability company: (a) is organized as a non-profit housing development fund company pursuant to article eleven of the private housing finance law **and is not established or controlled by a for-profit entity**, or is a non-profit housing corporation as defined in article eleven of the private housing finance law which is not incorporated as a housing development fund company as defined in article eleven of the private housing finance law **and is not established or controlled by a for-profit entity**, or is a wholly-owned subsidiary of such a company or is a partnership or limited liability company the controlling interest of which is held by such a company or corporation or by a wholly owned subsidiary of such a company or by a corporation sponsored or formed by such a company or corporation; and (b) has received a loan from a municipality, the state or the housing trust fund corporation established pursuant to section forty-five-a of the private housing finance law or any successor corporation; and (c) enters into a regulatory agreement with the munici-

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

LBD01265-01-7

pality, the state or the housing trust fund corporation established pursuant to section forty-five-a of the private housing finance law or any successor corporation guaranteeing the provision of housing accommodations for persons and families of low income; and (d) is a participant in the federal low income housing tax credit program established pursuant to section forty-two of the internal revenue code of nineteen hundred eighty-six, as amended. Any exemption pursuant to this section shall expire upon the expiration or termination of the regulatory agreement.

§ 2. Subparagraphs 4 and 5 of paragraph (a) of subdivision 4 of section 420-c of the real property tax law, subparagraph 4 as added by chapter 522 of the laws of 2004 and subparagraph 5 as amended by chapter 526 of the laws of 2004, are amended to read as follows:

(4) The term "charitable organization" shall mean (i) an entity**, not established or controlled by a for-profit entity,** formed for purposes that include providing housing accommodations for persons and families of low income and that has received written recognition of exemption pursuant to section 501(c)(3) or section 501(c)(4) of the internal revenue code of nineteen hundred eighty-six, as amended, or any successor statute, from the United States Internal Revenue Service, or any successor agency, or (ii) a corporation, partnership or limited liability company wholly owned and wholly controlled by an entity**, not established or controlled by a for-profit entity,** formed for purposes that include providing housing accommodations for persons and families of low income and that has received written recognition of exemption pursuant to section 501(c)(3) or section 501(c)(4) of the internal revenue code of nineteen hundred eighty-six, as amended, or any successor statute, from the United States Internal Revenue Service, or any successor agency.

(5) The term "eligible entity" shall mean a corporation, partnership or limited liability company at least [~~fifty~~] **fifty-one** percent of the controlling interest of which is held by a charitable organization.

§ 3. This act shall take effect immediately and shall apply to all projects approved on or after the date on which this act shall have become a law.