

# STATE OF NEW YORK

10930

## IN ASSEMBLY

August 17, 2020

Introduced by COMMITTEE ON RULES -- (at request of M. of A. Thiele) --  
read once and referred to the Committee on Local Governments

AN ACT to amend the general municipal law and the public authorities law, in relation to certain notifications regarding agreements requiring payments in lieu of taxes

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

1 Section 1. Subdivision 15 of section 858 of the general municipal law,  
2 as added by chapter 356 of the laws of 1993, is amended to read as  
3 follows:

4 (15) To enter into agreements requiring payments in lieu of taxes.  
5 Such agreements shall be in writing and in addition to other terms shall  
6 contain: the amount due annually to each affected tax jurisdiction (or a  
7 formula by which the amount due can be calculated), the name and address  
8 of the person, office or agency to which payment shall be delivered, the  
9 date on which payment shall be made, and the date on which payment shall  
10 be considered delinquent if not paid. Unless otherwise agreed by the  
11 affected tax jurisdictions, any such agreement shall provide that  
12 payments in lieu of taxes shall be allocated among affected tax juris-  
13 dictions in proportion to the amount of real property tax and other  
14 taxes which would have been received by each affected tax jurisdiction  
15 had the project not been tax exempt due to the status of the agency  
16 involved in the project. A copy of any such agreement shall be delivered  
17 to each affected tax jurisdiction within fifteen days of signing the  
18 agreement. In the absence of any such written agreement, payments in  
19 lieu of taxes made by an agency shall be allocated in the same  
20 proportions as they had been prior to January first, nineteen hundred  
21 ninety-three for so long as the agency's activities render a project  
22 non-taxable by affected tax jurisdictions. A notification of the expira-  
23 tion of such agreement shall be delivered to the affected tax jurisdic-  
24 tion within two years of the expiration of such agreement and immediate-  
25 ly upon early termination of an agreement;

26 § 2. Subdivision 14 of section 1953 of the public authorities law, as  
27 added by chapter 356 of the laws of 1993, is amended to read as follows:

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

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14. To enter into agreements requiring payments in lieu of taxes. Such agreements shall be in writing and in addition to other terms shall contain: the amount due annually to each affected tax jurisdiction (or a formula by which the amount due can be calculated), the name and address of the person, office or agency to which payment shall be delivered, the date on which payment shall be made, and the date on which payment shall be considered delinquent if not paid. Unless otherwise agreed by the affected tax jurisdictions, any such agreement shall provide that payments in lieu of taxes shall be allocated among affected tax jurisdictions in proportion to the amount of real property tax and other taxes which would have been received by each affected tax jurisdiction had the project not been tax exempt due to the status of the authority involved in the project. A copy of any such agreement shall be delivered to each affected tax jurisdiction within fifteen days of signing the agreement. In the absence of any such written agreement, payments in lieu of taxes made by an agency shall be allocated in the same proportions as they had been prior to January first, nineteen hundred ninety-three for so long as the authority's activities render a project non-taxable by affected tax jurisdictions. A notification of the expiration of such agreement shall be delivered to the affected tax jurisdiction within two years of the expiration of such agreement and immediately upon early termination of an agreement;

§ 3. Subdivision 14 of section 2306 of the public authorities law, as added by chapter 356 of the laws of 1993, is amended to read as follows:

14. To enter into agreements requiring payments in lieu of taxes. Such agreements shall be in writing and in addition to other terms shall contain: the amount due annually to each affected tax jurisdiction (or a formula by which the amount due can be calculated), the name and address of the person, office or agency to which payment shall be delivered, the date on which the payment shall be made, and the date on which payment shall be considered delinquent if not paid. Unless otherwise agreed by the affected tax jurisdictions, any such agreement shall provide that payments in lieu of taxes shall be allocated among affected tax jurisdictions in proportion to the amount of real property tax and other taxes which would have been received by each affected tax jurisdiction had the project not been tax exempt due to the status of the agency involved in the project. A copy of any such agreement shall be delivered to each tax affected jurisdiction within fifteen days of signing the agreement. In the absence of any such written agreement, payments in lieu of taxes shall be allocated in the same proportions as they had been prior to January first, nineteen hundred ninety-three for so long as the authority's activities render a project non-taxable by affected tax jurisdictions. A notification of the expiration of such agreement shall be delivered to the affected tax jurisdiction within two years of the expiration of such agreement and immediately upon early termination of an agreement;

§ 4. This act shall take effect on the sixtieth day after it shall have become a law.