

STATE OF NEW YORK

11003

IN ASSEMBLY

September 9, 2020

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

AN ACT to amend the general municipal law, in relation to requiring the return of all or a part of the financial assistance provided for a project where the project has material shortfalls or material violations and preventing the use of funds, financial incentives, subsidies or tax exemptions for projects already in development

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

1 Section 1. Subdivision 11 of section 874 of the general municipal law,
2 as added by chapter 563 of the laws of 2015, is amended and a new subdivi-
3 sion 13 is added to read as follows:
4 (11) Each agency shall develop policies for the return of all or a
5 part of the financial assistance provided for the project, including all
6 or part of the amount of any tax exemptions, as specified in the policy,
7 which may include but shall not be limited to material shortfalls in job
8 creation and retention projections or material violations of the terms
9 and conditions of project agreements. The agency shall implement such
10 policies created in accordance with this subdivision to return all or
11 part of the financial assistance provided for any project where the
12 agency's annual assessment of a project shows material shortfalls in job
13 creation and retention projections or material violations of the terms
14 and conditions of project agreements. If such material shortfalls are
15 the direct result of factors beyond the agency's control, the agency
16 must notify the authority's budget office in writing of the waiver with
17 a comprehensive explanation. All such returned amounts of tax exemptions
18 shall be redistributed to the appropriate affected tax jurisdiction,
19 unless agreed to otherwise by any local taxing jurisdiction.
20 (13) Except where environmental contamination requiring a significant
21 increase in project costs is discovered during the development of the
22 project or where a municipality has reassessed all or part of the
23 project site resulting in an increase in property taxes of more than
24 fifty percent, no tax exemptions shall be granted to any project if the

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

LBD15682-03-0

1 project is already in development at the time such project applies for
2 the issuance of the tax exemption.

3 § 2. Section 854 of the general municipal law is amended by adding a
4 new subdivision 21 to read as follows:

5 (21) "In development" - shall mean a project for which active
6 construction, including but not limited to erection of building founda-
7 tions or structure, has already commenced.

8 § 3. Section 862 of the general municipal law is amended by adding a
9 new subdivision 3 to read as follows:

10 (3) Except where environmental contamination requiring a significant
11 increase in project costs is discovered during the development of the
12 project or where a municipality has reassessed all or part of the
13 project site resulting in an increase in property taxes of more than
14 fifty percent, no funds, financial incentives or subsidies of the agency
15 shall be used in respect of any project which is already in development
16 at the time such project applies for such funds, financial assistance,
17 incentives or subsidies.

18 § 4. Paragraphs (h) and (i) of subdivision 4 of section 859-a of the
19 general municipal law, as added by chapter 563 of the laws of 2015, are
20 amended and a new paragraph (j) is added to read as follows:

21 (h) a statement that the owner, occupant or operator receiving finan-
22 cial assistance is in substantial compliance with applicable local,
23 state and federal tax, worker protection and environmental laws, rules
24 and regulations; [~~and~~]

25 (i) a statement acknowledging that the submission of any knowingly
26 false or knowingly misleading information may lead to the immediate
27 termination of any financial assistance and the reimbursement of an
28 amount equal to all or part of any tax exemptions claimed by reason of
29 agency involvement in the project[~~;~~]; and

30 (j) a statement requiring that if a project applicant has received an
31 offer of financial assistance from an economic development corporation
32 or corporations located outside of the state that such project applicant
33 disclose and provide such offer.

34 § 5. This act shall take effect immediately.