STATE OF NEW YORK

473

2021-2022 Regular Sessions

IN ASSEMBLY

(Prefiled)

January 6, 2021

Introduced by 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:

Section 1. Subdivision 11 of section 874 of the general municipal law, as added by chapter 563 of the laws of 2015, is amended and a new subdivision 13 is added to read as follows:

(11) Each agency shall develop policies for the return of all or a part of the financial assistance provided for the project, including all or part of the amount of any tax exemptions, as specified in the policy, which may include but shall not be limited to material shortfalls in job creation and retention projections or material violations of the terms and conditions of project agreements. **The agency shall implement such policies created in accordance with this subdivision to return all or part of the financial assistance provided for any project where the agency's annual assessment of a project shows material shortfalls in job creation and retention projections or material violations of the terms and conditions of project agreements. If such material shortfalls are the direct result of factors beyond the agency's control, the agency must notify the authority's budget office in writing of the waiver with a comprehensive explanation.** All such returned amounts of tax exemptions shall be redistributed to the appropriate affected tax jurisdiction, unless agreed to otherwise by any local taxing jurisdiction.

(13) Except where environmental contamination requiring a significant increase in project costs is discovered during the development of the

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

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project or where a municipality has reassessed all or part of the project site resulting in an increase in property taxes of more than fifty percent, no tax exemptions shall be granted to any project if the project is already in development at the time such project applies for the issuance of the tax exemption.

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

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

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

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

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

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

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

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

§ 5. This act shall take effect immediately.