# STATE OF NEW YORK

6157--A

Cal. No. 203

2021-2022 Regular Sessions

# IN ASSEMBLY

March 10, 2021

Introduced by M. of A. GUNTHER, JACOBSON -- read once and referred to the Committee on Local Governments -- ordered to a third reading, amended and ordered reprinted, retaining its place on the order of third reading

AN ACT to amend the general municipal law, in relation to prerequisites for financial assistance provided by industrial development agencies

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

Section 1. 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) to the extent practicable, an estimate of the percentage of materials, products, goods, and other items to be used on, by, or for the proposed project which are produced, manufactured, or otherwise generated in the state.**

§ 2. Paragraph (b) of subdivision 5 of section 859-a of the general municipal law, as amended by section 7 of part X of chapter 59 of the laws of 2021, is amended to read as follows:

(b) a written cost-benefit analysis by the agency that identifies the extent to which a project will create or retain permanent, private sector jobs; **the extent to which such jobs shall be filled by residents of the economic development region as established pursuant to section**

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

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two hundred thirty of the economic development law or the labor market area as defined by the agency, in which the project is located; the extent to which a project will use materials, products, goods, and other items which are produced, manufactured, or otherwise generated in the state; the estimated value of any tax exemptions to be provided; the amount of private sector investment generated or likely to be generated by the proposed project; the contribution of the project to the state's renewable energy goals and emission reduction targets as set forth in the state energy plan adopted pursuant to section 6-104 of the energy law; the likelihood of accomplishing the proposed project in a timely fashion; and the extent to which the proposed project will provide additional sources of revenue for municipalities and school districts; and any other public benefits that might occur as a result of the project;

§ 3. Paragraph (b) of subdivision 6 of section 859-a of the general municipal law, as added by chapter 563 of the laws of 2015, is amended to read as follows:

(b) require each project owner, occupant or operator receiving financial benefits to provide annually a certified statement and documentation: (i) enumerating the full time equivalent jobs retained and the full time equivalent jobs created as a result of the financial assistance, by category, including full time equivalent independent contractors or employees of independent contractors that work at the project location[~~, and~~]; (ii) indicating that the salary and fringe benefit averages or ranges for categories of jobs retained and jobs created that was provided in the application is still accurate and if it is not still accurate, providing a revised list of salary and fringe benefit averages or ranges for categories of jobs retained and jobs created; and (iii) indicating the percentage of materials, products, goods, and other items purchased as a result of the financial assistance which were produced, manufactured, or otherwise generated in the state.

§ 4. Paragraph (a) of subdivision 4 of section 874 of the general municipal law, as amended by chapter 386 of the laws of 2019, is amended to read as follows:

(a) The agency shall establish a uniform tax exemption policy, with input from affected tax jurisdictions, which shall be applicable to the provision of financial assistance pursuant to section eight hundred fifty-nine-a of this chapter and shall provide guidelines for the claiming of real property, mortgage recording, and sales tax exemptions. Such guidelines shall include, but not be limited to: period of exemption; percentage of exemption; types of projects for which exemptions can be claimed; procedures for payments in lieu of taxes and instances in which real property appraisals are to be performed as a part of an application for tax exemption; in addition, agencies shall in adopting such policy consider such issues as: the extent to which a project will create or retain permanent, private sector jobs and how many of such jobs shall be filled by residents of the economic development region as established pursuant to section two hundred thirty of the economic development law or the labor market area as defined by the agency, in which the project is located; the extent to which a project will use materials, products, goods, and other items which are produced, manufactured, or otherwise generated in the state; the estimated value of any tax exemptions to be provided; whether affected tax jurisdictions shall be reimbursed by the project occupant if a project does not fulfill the purposes for which an exemption was provided; the impact of a proposed project on existing and proposed businesses and economic development projects in the vicinity; the amount of private sector

investment generated or likely to be generated by the proposed project; the demonstrated public support for the proposed project; the likelihood of accomplishing the proposed project in a timely fashion; the effect of the proposed project upon the environment; the extent to which the project will utilize, to the fullest extent practicable and economically feasible, resource conservation, energy efficiency, green technologies, and alternative and renewable energy measures; the extent to which the proposed project will require the provision of additional services, including, but not limited to additional educational, transportation, police, emergency medical or fire services; and the extent to which the proposed project will provide additional sources of revenue for municipalities and school districts.

§ 5. This act shall take effect immediately and shall apply to all applications submitted beginning sixty days after such effective date.