

# STATE OF NEW YORK

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7295

2021-2022 Regular Sessions

## IN ASSEMBLY

May 4, 2021

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Introduced by 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-

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

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1 tion within two years of the expiration of such agreement and immediate-  
2 ly upon early termination of an agreement;

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

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

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

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

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