STATE OF NEW YORK

6113--B

2023-2024 Regular Sessions

IN ASSEMBLY

April 3, 2023

Introduced by M. of A. CARROLL, LEVENBERG, COLTON, SIMON, DICKENS -- read once and referred to the Committee on Real Property Taxation -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee -- reported and referred to the Committee on Ways and Means -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

AN ACT to amend the real property tax law, in relation to updating and modifying the tax abatements for certain solar and electric storage systems

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

Section 1. Subdivisions 2, 7, and 8 of section 499-aaaa of the real property tax law, subdivisions 2 and 8 as amended by chapter 412 of the laws of 2018 and subdivision 7 as added by chapter 473 of the laws of 2008, are amended to read as follows:

2. "Application for tax abatement" shall mean an application for a solar electric generating system [~~or~~] **and/or** electric energy storage equipment tax abatement pursuant to section four hundred ninety-nine-cccc of this title.

7. "Eligible building" shall mean a class one, class two or class four real property, as defined in subdivision one of section eighteen hundred two of this chapter, located within a city having a population of one million or more persons. No building shall be eligible for more than one tax abatement pursuant to this title **prior to January first, two thousand twenty-four**.

8. "Eligible solar electric generating system expenditures" and "eligible electric energy storage equipment expenditures" shall mean reasonable expenditures for materials, labor costs properly allocable to on-site preparation, assembly and original installation, architectural and engineering services, and designs and plans directly related to the construction or installation of a solar electric generating system [~~or~~]

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

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and/or electric energy storage equipment installed in connection with an eligible building. Solar parking canopy structures shall be considered a solar electric generating system for the purposes of this subdivision. Such eligible expenditures shall not include interest or other finance charges, or any expenditures incurred using a federal, state or local grant.

§ 2. Paragraph (e) of subdivision 1 of section 499-bbbb of the real property tax law, as amended by section 1 of item B of subpart H of part XXX of chapter 58 of the laws of 2020, is amended and a new paragraph (f) of subdivision 1 is added to read as follows:

(e) if electric energy storage equipment is placed in service on or after January first, two thousand nineteen, and before January first, two thousand twenty-four, for each year of the compliance period such tax abatement shall be the lesser of (i) ten percent of eligible electric energy storage equipment expenditures, (ii) the amount of taxes payable in such tax year, or (iii) sixty-two thousand five hundred dollars[~~.~~]; or

(f) if the solar electric generating system and/or electric energy storage system is placed in service on or after January first, two thousand twenty-four, and before January first, two thousand thirty-five, for each year of the compliance period such tax abatement shall be the lesser of (i) seven and one-half percent of eligible solar electric generating system and/or energy storage system expenditures, (ii) the amount of taxes payable in such tax year, or (iii) sixty-two thousand five hundred dollars.

§ 3. Subdivision 1 of section 499-cccc of the real property tax law, as amended by section 2 of item B of subpart H of part XXX of chapter 58 of the laws of 2020, is amended to read as follows:

1. To obtain a tax abatement pursuant to this title, an applicant must file an application for tax abatement, which may be filed on or after January first, two thousand nine, and on or before [~~March fifteenth~~] January first, two thousand [~~twenty-four~~] thirty-six.

§ 4. This act shall take effect immediately.