STATE OF NEW YORK

8355

2023-2024 Regular Sessions

IN ASSEMBLY

December 13, 2023

Introduced by M. of A. CARROLL -- read once and referred to the Committee on Real Property Taxation

AN ACT to amend the real property tax law, in relation to providing for a direct-pay tax abatement credit for solar electric generating systems and electric energy storage systems in connection with eligible buildings

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

Section 1. Section 499-bbbb of the real property tax law is amended by adding a new subdivision 5 to read as follows:

5. Notwithstanding any limitations or restrictions established within this section or any local law or resolution, any eligible building that is owned by a corporation, association, organization or trust described in section 501(c)(3) of the United States internal revenue code, incorporated under article two, four, five, or eleven of the private housing finance law, or is an income-restricted affordable housing property, including but not limited to properties with regulatory agreements with the New York city department of housing preservation and development, New York city housing development corporation, New York state department of housing and community renewal, or the United States department of housing and urban development, shall be eligible for a direct-pay credit equal to the monetary value of the abatement as calculated in paragraph (f) of subdivision one of this section. Such direct-pay credit shall be issued to the eligible building owner by the department of finance in the form of a check irrespective of the amount of taxes payable in such tax year.

§ 2. The section heading and subdivisions 1, 4, 5 and 6 of section 499-cccc of the real property tax law, the section heading and subdivisions 4, 5 and 6 as added by chapter 473 of the laws of 2008, subdivision 1 as amended by chapter 485 of the laws of 2023, are amended to read as follows:

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

LBD13650-01-3

Application for tax abatement **or direct-pay credit**. 1. To obtain a tax abatement **or direct-pay credit** 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 January first, two thousand thirty-six.

4. An application for tax abatement **or direct-pay credit** shall be in any format prescribed by a designated agency, including electronic form.

5. An application for tax abatement **or direct-pay credit** shall be approved by a designated agency upon determining that the applicant has submitted proof acceptable to such agency that the requirements for obtaining a tax abatement **or direct-pay credit** pursuant to this title and the rules promulgated hereunder have been met. The burden of proof shall be on the applicant to show by clear and convincing evidence that the requirements for granting a tax abatement **or direct-pay credit** have been satisfied.

6. Upon notification from a designated agency that an application for tax abatement **or direct-pay credit** has been approved, the department of finance shall apply the tax abatement **or direct-pay credit**, provided there are no outstanding real estate taxes, water and sewer charges, payments in lieu of taxes or other municipal charges with respect to the eligible building.

§ 3. This act shall take effect immediately.