

STATE OF NEW YORK

1632--A

2023-2024 Regular Sessions

IN SENATE

January 13, 2023

Introduced by Sens. KAVANAGH, CLEARE, GONZALEZ, GOUNARDES, HOYLMAN-SIGAL, JACKSON, KRUEGER, RAMOS, RIVERA, SALAZAR -- read twice and ordered printed, and when printed to be committed to the Committee on Local Government -- 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 discontinuing the real property tax exemption for certain real property used for professional major league sports

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

1 Section 1. Legislative intent. The legislature hereby declares that
2 any provision in a lease, agreement or any other written instrument
3 requiring that any taxes or their equivalent, set forth in such instru-
4 ment in the form of any charges of any kind whatsoever, imposed by any
5 taxing authority, shall be made the obligation of any person, sole
6 proprietorship, partnership, firm, corporation, limited liability compa-
7 ny, association, franchise, team, or any other entity, other than the
8 owner or owners of such property, shall be deemed void as against public
9 policy.
10 § 2. Section 429 of the real property tax law, as added by chapter 459
11 of the laws of 1982, is amended to read as follows:
12 § 429. Real property used for professional major league sports. Real
13 property within a city having a population of one million or more, used
14 by both a professional major league hockey team which is a member of the
15 National Hockey League and a professional major league basketball team
16 which is a member of the National Basketball Association to play their
17 home games shall be exempt from taxation to the extent said taxes are
18 the obligation by lease or otherwise of the owners of franchises for
19 such teams, provided that such owners enter into a written agreement
20 with the chief executive officer of the municipality in which such prop-
21 erty is located to play their home games within such municipality for a

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

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1 period of at least ten consecutive years; provided however, that in no
2 case shall the exemption granted by this section apply to any assessment
3 roll issued after the two thousand twenty-three assessment roll. The tax
4 exemption provided herein shall be granted to real property being used,
5 in whole or in part, for the aforesaid purposes on the date such agree-
6 ment is executed and shall apply to taxes which become due and payable
7 after the aforesaid agreement is executed and shall continue with
8 respect to such property as long as both of said teams play their home
9 games therein and no longer. Such exemption shall not apply with respect
10 to any improvement to such property made after the date such agreement
11 is executed which improvement is not used for the provision of facili-
12 ties or services related to sports, entertainment, expositions,
13 conventions or trade shows. If one or both of said teams shall cease to
14 play their home games in said property at any time, the tax exemption
15 provided herein shall cease immediately and such property shall imme-
16 diately be restored to the tax rolls and thereupon become subject to
17 taxation and shall be taxed pro rata for the unexpired portion of the
18 taxable year.

19 § 3. The real property tax law is amended by adding a new section
20 429-a to read as follows:

21 § 429-a. Expiration of major league sports exemption. The real proper-
22 ty tax exemption under section four hundred twenty-nine of this article
23 shall expire upon the effective date of this section; provided however,
24 that the revenue and penalties collected by the New York city department
25 of finance for such real property shall be remitted by the city of New
26 York to the metropolitan transportation authority on a semiannual basis,
27 to be deposited into the metropolitan transportation authority finance
28 fund established under section one thousand two hundred seventy-h of the
29 public authorities law.

30 § 4. This act shall take effect immediately; provided however, that
31 the provisions of this act shall apply to assessment rolls beginning
32 with the 2024 assessment roll.