

STATE OF NEW YORK

4417

2023-2024 Regular Sessions

IN SENATE

February 8, 2023

Introduced by Sen. COMRIE -- read twice and ordered printed, and when printed to be committed to the Committee on Local Government

AN ACT to amend the general municipal law, in relation to adjusting value capture mechanisms for New York city and the metropolitan transportation authority, including transparency requirements; and to amend part PP of chapter 54 of the laws of 2016, amending the general municipal law relating to the New York transit authority and the metropolitan transportation authority, in relation to making such value capture mechanisms and transparency requirements permanent

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

1 Section 1. Paragraph f of subdivision 1 of section 119-r of the gener-
2 al municipal law, as amended by section 2 of part PP of chapter 54 of
3 the laws of 2016, is amended to read as follows:

4 f. The making of a contract with the metropolitan transportation
5 authority, by itself or with one or more other municipal corporations to
6 assist the authority in meeting its capital or operating expenses in
7 providing mass transportation services of benefit to all or part of such
8 municipal corporation, including undertaking a mass transportation capi-
9 tal project in or near the municipal corporation. Such a municipal
10 corporation may, according to the terms of the contract with the author-
11 ity, establish, levy and collect taxes, assessments, and/or charges and
12 may conditionally or unconditionally grant or pledge a portion of its
13 revenues allocated according to subdivision e of this section. Such
14 municipal corporation may designate mass transportation capital project
15 districts that a municipal corporation finds, after conducting a public
16 hearing, will benefit from an identified mass transportation capital
17 project.

18 (i) (1) At least two weeks prior to conducting such public hearing
19 under this subdivision, the municipal corporation shall produce and
20 publish on its website two separate analyses that include: (A) revenue

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

LBD05069-02-3

1 projections for the district based on historic property tax data and
2 analysis that the fair market value of properties within the subdistrict
3 is expected to increase as a result of the improvement, by more than
4 would have occurred in the absence of such improvement; and (B) trans-
5 portation engineering analysis showing how the public would be served by
6 the mass transportation capital project in such district or area.

7 (2) Such analyses under clause one of this subparagraph shall include
8 accompanying data in a machine-readable, tabular format, and an explana-
9 tion of the methodology and specific assumptions used in each analysis.
10 The public shall have the opportunity to submit written comments on such
11 analyses provided, and the municipal corporation and/or the metropolitan
12 transportation authority shall respond to public comment received in
13 writing and at such public hearing in a report that is posted in the
14 municipal corporation's website no later than one month after such hear-
15 ing.

16 (ii) Upon designating [~~such~~] a mass transportation capital project
17 district, the municipal corporation may allocate a portion of its reven-
18 ues from the district according to terms it designs or has agreed to by
19 contract. The municipal corporation may, in allocating and collecting
20 revenues from the district, make use of one or more methods to capture
21 the value created by a mass transportation capital project, including,
22 but not limited to:

23 [~~(i) tax increment financing, meaning the allocation of an increment~~
24 ~~of property tax revenues in excess of the amount levied at the time~~
25 ~~prior to planning of a mass transportation capital project;~~

26 ~~(ii)] (1) a special transportation assessment imposed upon benefited~~
27 real property in proportion to the benefit received by such property
28 from a mass transportation capital project, which shall not constitute a
29 tax;

30 [~~(iii)] (2) land value taxation, meaning the allocation of an incre-~~
31 ment of tax revenues gained from levying taxes on the assessed value of
32 taxable land at a higher rate than the improvements, as defined in
33 subdivision twelve of section one hundred two of the real property tax
34 law; and

35 [~~(iv)] (3) some combination of the above or other methods of gaining~~
36 revenues that the municipal corporation is empowered to use, provided
37 that the total amount of all taxes, assessments, fees, charges, or rates
38 levied on each parcel or lot under this section shall be limited to a
39 proportionate amount as near as possible to the actual benefit which
40 each lot or parcel will derive from the mass transportation capital
41 project; and

42 [~~(v)] (4) for purposes of this paragraph the term municipal corpo-~~
43 ration shall include only those cities, towns, villages and counties
44 described in section twelve hundred sixty-two of the public authorities
45 law.

46 § 2. Section 3 of part PP of chapter 54 of the laws of 2016, amending
47 the general municipal law relating to the New York transit authority and
48 the metropolitan transportation authority, as amended by section 1 of
49 part J of chapter 58 of the laws of 2022, is amended to read as follows:

50 § 3. This act shall take effect immediately[~~, provided that the amend-~~
51 ~~ments to subdivision 1 of section 119-r of the general municipal law~~
52 ~~made by section two of this act shall expire and be deemed repealed~~
53 ~~April 1, 2023, and provided further that such repeal shall not affect~~
54 ~~the validity or duration of any contract entered into before that date~~
55 ~~pursuant to paragraph f of such subdivision].~~

56 § 3. This act shall take effect immediately.