

# STATE OF NEW YORK

8978

## IN SENATE

April 4, 2024

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

AN ACT to amend the real property tax law, in relation to providing an exemption against certain fiber optic cable assessments for open access fiber optic broadband companies

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

1 Section 1. The real property tax law is amended by adding a new  
2 section 431 to read as follows:

3 § 431. Fiber optic cable. 1. For the purposes of this section the  
4 following terms shall have the following meanings:

5 (a) "Open access fiber optic broadband company" shall mean a local  
6 authority as defined in section two of the public authorities law or a  
7 municipal corporation as defined in section two of the general municipal  
8 law engaged in the construction, operation, marketing and sale of fiber  
9 optic broadband infrastructure and services.

10 (b) "Open access fiber optic network" shall mean open access fiber  
11 optic cable and infrastructure owned by an open access fiber optic  
12 broadband company.

13 (c) "Open access fiber optic cable and infrastructure" shall mean  
14 fiber optic cable and related equipment which is owned and installed by  
15 or caused to be installed by an open access fiber optic broadband compa-  
16 ny to transmit, or facilitate the transmission, of broadband data,  
17 applications, and services to end users.

18 2. Notwithstanding any other provision of law to the contrary, all  
19 open access fiber optic networks and open access fiber optic cable and  
20 infrastructure owned by an open access fiber optic broadband company,  
21 whether located on public or private property, and installed for the  
22 purpose of distributing broadband technology and services, except as  
23 provided in subdivision three of this section, shall be exempt from real  
24 property taxes, levies and assessments.

25 3. Notwithstanding any other provision of law to the contrary, all  
26 open access fiber optic networks and open access fiber optic cable and  
27 infrastructure located in a city with a population of one million or

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

LBD15076-01-4

1 more shall not be exempt from real property taxes, levies and assess-  
2 ments.

3 4. The commissioner is hereby authorized and directed to promulgate  
4 rules and regulations necessary to implement the provisions of this  
5 section.

6 § 2. This act shall take effect immediately and shall apply to assess-  
7 ment rolls prepared on the basis of taxable status dates occurring on or  
8 after such date.