

# STATE OF NEW YORK

5600

2023-2024 Regular Sessions

## IN ASSEMBLY

March 16, 2023

Introduced by M. of A. GUNTHER, JACOBSON -- read once and referred to the Committee on Local Governments

AN ACT to amend the general municipal law, in relation to prerequisites for financial assistance provided by industrial development agencies

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

1 Section 1. Paragraphs (h) and (i) of subdivision 4 of section 859-a of  
2 the general municipal law, as added by chapter 563 of the laws of 2015,  
3 are amended, and a new paragraph (j) is added to read as follows:

4 (h) a statement that the owner, occupant or operator receiving finan-  
5 cial assistance is in substantial compliance with applicable local,  
6 state and federal tax, worker protection and environmental laws, rules  
7 and regulations; ~~and~~

8 (i) a statement acknowledging that the submission of any knowingly  
9 false or knowingly misleading information may lead to the immediate  
10 termination of any financial assistance and the reimbursement of an  
11 amount equal to all or part of any tax exemptions claimed by reason of  
12 agency involvement in the project~~[-]; and~~

13 (j) to the extent practicable, an estimate of the percentage of mate-  
14 rials, products, goods, and other items to be used on, by, or for the  
15 proposed project which are produced, manufactured, or otherwise gener-  
16 ated in the state.

17 § 2. Paragraph (b) of subdivision 5 of section 859-a of the general  
18 municipal law, as amended by section 7 of part X of chapter 59 of the  
19 laws of 2021, is amended to read as follows:

20 (b) a written cost-benefit analysis by the agency that identifies the  
21 extent to which a project will create or retain permanent, private  
22 sector jobs; the extent to which such jobs shall be filled by residents  
23 of the economic development region as established pursuant to section  
24 two hundred thirty of the economic development law or the labor market  
25 area as defined by the agency, in which the project is located; the

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

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1 extent to which a project will use materials, products, goods, and other  
2 items which are produced, manufactured, or otherwise generated in the  
3 state; the estimated value of any tax exemptions to be provided; the  
4 amount of private sector investment generated or likely to be generated  
5 by the proposed project; the contribution of the project to the state's  
6 renewable energy goals and emission reduction targets as set forth in  
7 the state energy plan adopted pursuant to section 6-104 of the energy  
8 law; the likelihood of accomplishing the proposed project in a timely  
9 fashion; and the extent to which the proposed project will provide addi-  
10 tional sources of revenue for municipalities and school districts; and  
11 any other public benefits that might occur as a result of the project;

12 § 3. Paragraph (b) of subdivision 6 of section 859-a of the general  
13 municipal law, as added by chapter 563 of the laws of 2015, is amended  
14 to read as follows:

15 (b) require each project owner, occupant or operator receiving finan-  
16 cial benefits to provide annually a certified statement and documenta-  
17 tion: (i) enumerating the full time equivalent jobs retained and the  
18 full time equivalent jobs created as a result of the financial assist-  
19 ance, by category, including full time equivalent independent contrac-  
20 tors or employees of independent contractors that work at the project  
21 location~~[, and];~~ (ii) indicating that the salary and fringe benefit  
22 averages or ranges for categories of jobs retained and jobs created that  
23 was provided in the application is still accurate and if it is not still  
24 accurate, providing a revised list of salary and fringe benefit averages  
25 or ranges for categories of jobs retained and jobs created; and (iii)  
26 indicating the percentage of materials, products, goods, and other items  
27 purchased as a result of the financial assistance which were produced,  
28 manufactured, or otherwise generated in the state.

29 § 4. Paragraph (a) of subdivision 4 of section 874 of the general  
30 municipal law, as amended by chapter 386 of the laws of 2019, is amended  
31 to read as follows:

32 (a) The agency shall establish a uniform tax exemption policy, with  
33 input from affected tax jurisdictions, which shall be applicable to the  
34 provision of financial assistance pursuant to section eight hundred  
35 fifty-nine-a of this chapter and shall provide guidelines for the claim-  
36 ing of real property, mortgage recording, and sales tax exemptions.  
37 Such guidelines shall include, but not be limited to: period of  
38 exemption; percentage of exemption; types of projects for which  
39 exemptions can be claimed; procedures for payments in lieu of taxes and  
40 instances in which real property appraisals are to be performed as a  
41 part of an application for tax exemption; in addition, agencies shall in  
42 adopting such policy consider such issues as: the extent to which a  
43 project will create or retain permanent, private sector jobs and how  
44 many of such jobs shall be filled by residents of the economic develop-  
45 ment region as established pursuant to section two hundred thirty of the  
46 economic development law or the labor market area as defined by the  
47 agency, in which the project is located; the extent to which a project  
48 will use materials, products, goods, and other items which are produced,  
49 manufactured, or otherwise generated in the state; the estimated value  
50 of any tax exemptions to be provided; whether affected tax jurisdictions  
51 shall be reimbursed by the project occupant if a project does not  
52 fulfill the purposes for which an exemption was provided; the impact of  
53 a proposed project on existing and proposed businesses and economic  
54 development projects in the vicinity; the amount of private sector  
55 investment generated or likely to be generated by the proposed project;  
56 the demonstrated public support for the proposed project; the likelihood

1 of accomplishing the proposed project in a timely fashion; the effect of  
2 the proposed project upon the environment; the extent to which the  
3 project will utilize, to the fullest extent practicable and economically  
4 feasible, resource conservation, energy efficiency, green technologies,  
5 and alternative and renewable energy measures; the extent to which the  
6 proposed project will require the provision of additional services,  
7 including, but not limited to additional educational, transportation,  
8 police, emergency medical or fire services; and the extent to which the  
9 proposed project will provide additional sources of revenue for munici-  
10 palities and school districts.

11 § 5. This act shall take effect immediately and shall apply to all  
12 applications submitted beginning sixty days after such effective date.