

# STATE OF NEW YORK

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6858

2023-2024 Regular Sessions

## IN ASSEMBLY

May 8, 2023

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Introduced by M. of A. THIELE -- read once and referred to the Committee on Housing

AN ACT to amend the general municipal law and the public authorities law, in relation to making housing a policy of the state of New York

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

1 Section 1. Section 852 of the general municipal law, as amended by  
2 chapter 630 of the laws of 1977, the first undesignated paragraph as  
3 amended by chapter 747 of the laws of 2005, the second undesignated  
4 paragraph as amended by chapter 478 of the laws of 2011 and the third  
5 undesignated paragraph as amended by section 4 of part X of chapter 59  
6 of the laws of 2021, is amended to read as follows:

7 § 852. Policy and purposes of article. It is hereby declared to be the  
8 policy of this state to promote the economic welfare, recreation oppor-  
9 tunities and prosperity of its inhabitants and to actively promote,  
10 attract, encourage and develop recreation, economically sound commerce  
11 and industry and economically sound projects identified and called for  
12 to implement a state heritage area management plan as provided in title  
13 G of the parks, recreation and historic preservation law through govern-  
14 mental action for the purpose of preventing unemployment and economic  
15 deterioration by the creation of industrial development agencies which  
16 are hereby declared to be governmental agencies and instrumentalities  
17 and to grant to such industrial development agencies the rights and  
18 powers provided in this article.

19 It is hereby further declared to be the policy of this state to  
20 protect and promote the health of the inhabitants of this state by the  
21 conservation, protection and improvement of the natural and cultural or  
22 historic resources and environment and to control land, sewer, water,  
23 air, noise or general environmental pollution derived from the operation  
24 of industrial, manufacturing, warehousing, commercial, recreation, horse  
25 racing facilities, railroad facilities, automobile racing facilities and

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

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1 research facilities and to grant such industrial development agencies  
2 the rights and powers provided by this article with respect to indus-  
3 trial pollution control facilities.

4 It is hereby further declared to be the policy of this state to  
5 protect and promote the health of the inhabitants of this state and to  
6 increase trade through promoting the development of facilities to  
7 provide recreation for the citizens of the state and to attract tourists  
8 from other states, to increasing housing stock in support of the state's  
9 housing goals as may be established and amended from time to time and to  
10 promote the development of renewable energy projects to support the  
11 state's renewable energy goals as may be established or amended from  
12 time to time.

13 The use of all such rights and powers is a public purpose essential to  
14 the public interest, and for which public funds may be expended.

15 § 2. Subdivision 4 of section 854 of the general municipal law, as  
16 amended by section 5 of part X of chapter 59 of the laws of 2021, is  
17 amended to read as follows:

18 (4) "Project" - shall mean any land, any building or other improve-  
19 ment, and all real and personal properties located within the state of  
20 New York and within or outside or partially within and partially outside  
21 the municipality for whose benefit the agency was created, including,  
22 but not limited to, machinery, equipment and other facilities deemed  
23 necessary or desirable in connection therewith, or incidental thereto,  
24 whether or not now in existence or under construction, which shall be  
25 suitable for manufacturing, warehousing, research, commercial, renewable  
26 energy, housing or industrial purposes or other economically sound  
27 purposes identified and called for to implement a state designated urban  
28 cultural park management plan as provided in title G of the parks,  
29 recreation and historic preservation law and which may include or mean  
30 an industrial pollution control facility, a recreation facility, educa-  
31 tional or cultural facility, a horse racing facility, a railroad facili-  
32 ty, a renewable energy project, housing facility, or an automobile  
33 racing facility, provided, however, no agency shall use its funds or  
34 provide financial assistance in respect of any project wholly or  
35 partially outside the municipality for whose benefit the agency was  
36 created without the prior consent thereto by the governing body or  
37 bodies of all the other municipalities in which a part or parts of the  
38 project is, or is to be, located, and such portion of the project  
39 located outside such municipality for whose benefit the agency was  
40 created shall be contiguous with the portion of the project inside such  
41 municipality.

42 § 3. The opening paragraph of section 858 of the general municipal  
43 law, as amended by section 6 of part X of chapter 59 of the laws of  
44 2021, is amended to read as follows:

45 The purposes of the agency shall be to promote, develop, encourage and  
46 assist in the acquiring, constructing, reconstructing, improving, main-  
47 taining, equipping and furnishing industrial, manufacturing, warehous-  
48 ing, commercial, research, renewable energy, housing, and recreation  
49 facilities including industrial pollution control facilities, educa-  
50 tional or cultural facilities, railroad facilities, horse racing facili-  
51 ties, automobile racing facilities, renewable energy projects, housing  
52 facilities and continuing care retirement communities, provided, howev-  
53 er, that, of agencies governed by this article, only agencies created  
54 for the benefit of a county and the agency created for the benefit of  
55 the city of New York shall be authorized to provide financial assistance  
56 in any respect to a continuing care retirement community, and thereby

1 advance the job opportunities, health, general prosperity and economic  
2 welfare of the people of the state of New York and to improve their  
3 recreation opportunities, prosperity and standard of living; and to  
4 carry out the aforesaid purposes, each agency shall have the following  
5 powers:

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

9 (b) a written cost-benefit analysis by the agency that identifies the  
10 extent to which a project will create or retain permanent, private  
11 sector jobs; the estimated value of any tax exemptions to be provided;  
12 the amount of private sector investment generated or likely to be gener-  
13 ated by the proposed project; the contribution of the project to the  
14 state's renewable energy goals and emission reduction targets as set  
15 forth in the state energy plan adopted pursuant to section 6-104 of the  
16 energy law; the contribution of the project to the state's housing goals  
17 of increasing housing options including but not limited to affordable,  
18 workforce, and senior housing; the likelihood of accomplishing the  
19 proposed project in a timely fashion; and the extent to which the  
20 proposed project will provide additional sources of revenue for munici-  
21 palities and school districts; and any other public benefits that might  
22 occur as a result of the project;

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

26 (a) The agency shall establish a uniform tax exemption policy, with  
27 input from affected tax jurisdictions, which shall be applicable to the  
28 provision of financial assistance pursuant to section eight hundred  
29 fifty-nine-a of this ~~chapter~~ title and shall provide guidelines for  
30 the claiming of real property, mortgage recording, and sales tax  
31 exemptions. Such guidelines shall include, but not be limited to: peri-  
32 od of exemption; percentage of exemption; types of projects for which  
33 exemptions can be claimed; procedures for payments in lieu of taxes and  
34 instances in which real property appraisals are to be performed as a  
35 part of an application for tax exemption; in addition, agencies shall in  
36 adopting such policy consider such issues as: the extent to which a  
37 project will create or retain permanent, private sector jobs; the esti-  
38 mated value of any tax exemptions to be provided; whether affected tax  
39 jurisdictions shall be reimbursed by the project occupant if a project  
40 does not fulfill the purposes for which an exemption was provided; the  
41 impact of a proposed project on existing and proposed businesses and  
42 economic development projects in the vicinity; the amount of private  
43 sector investment generated or likely to be generated by the proposed  
44 project; the demonstrated public support for the proposed project; the  
45 likelihood of accomplishing the proposed project in a timely fashion;  
46 the effect of the proposed project upon the environment; the extent to  
47 which the project will utilize, to the fullest extent practicable and  
48 economically feasible, resource conservation, energy efficiency, green  
49 technologies, and alternative and renewable energy measures; the extent  
50 to which the project will bring additional housing units to the market;  
51 the extent to which the proposed project will require the provision of  
52 additional services, including, but not limited to additional educa-  
53 tional, transportation, police, emergency medical or fire services; and  
54 the extent to which the proposed project will provide additional sources  
55 of revenue for municipalities and school districts.

§ 6. Subdivision 5 of section 1951 of the public authorities law, as amended by chapter 907 of the laws of 1972, is amended to read as follows:

5. The term "project" shall mean any land in one or more areas of the city and any building, structure, facility or other improvement thereon, including, but not limited to machinery and equipment and all real and personal property deemed necessary in connection therewith, whether or not now in existence or under construction, which shall be necessary or suitable for manufacturing, warehousing, research, commercial, housing or industrial purposes and which may include or mean an industrial pollution control facility.

§ 7. The opening paragraph of section 1953 of the public authorities law, as amended by chapter 579 of the laws of 2021, is amended to read as follows:

The purposes of the authority shall be to promote, develop, encourage and assist in the acquiring, constructing, reconstructing, improving, maintaining, equipping and furnishing industrial, manufacturing, warehouse, commercial, housing and research facilities including industrial pollution control facilities, transportation facilities including but not limited to those relating to water, highway, rail and air, in one or more areas of the city, particularly but not exclusively at the site of what was formerly the Troy airport including an airstrip or airport located in the southern section of the city and thereby advance the job opportunities, health, general prosperity and economic welfare of the people of said city and to improve their standard of living; provided, however, that the authority shall not undertake any project if the completion thereof would result in the removal of an industrial or manufacturing plant of the project occupant from one area of the state to another area of the state or in the abandonment of one or more plants or facilities of the project applicant located within the state, provided, however, that neither restriction shall apply if the authority shall determine on the basis of the application before it that the project is reasonably necessary to discourage the project occupant from removing such other plant or facility to a location outside the state or is reasonably necessary to preserve the competitive position of the project occupant in its respective industry. Except as otherwise provided for in this section, no financial assistance of the authority shall be provided in respect of any project where facilities or property that are primarily used in making retail sales to customers who personally visit such facilities constitute more than one-third of the total project cost. For the purposes of this article, "retail sales" shall mean: (i) sales by a registered vendor under article twenty-eight of the tax law primarily engaged in the retail sale of tangible personal property, as defined in subparagraph (i) of paragraph four of subdivision (b) of section eleven hundred one of the tax law; or (ii) sales of a service to such customers. Except, however, that tourism destination projects shall not be prohibited by this paragraph. For the purpose of this paragraph, "tourism destination" shall mean a location or facility which is likely to attract a significant number of visitors from outside the economic development region as established by section two hundred thirty of the economic development law in which the project is located.

§ 8. Subdivision 1 of section 1963-a of the public authorities law, as amended by chapter 386 of the laws of 2019, is amended to read as follows:

1. The authority shall establish a uniform tax exemption policy, with input from affected local taxing jurisdictions, which shall be applica-

ble to provisions of financial assistance pursuant to section nineteen hundred fifty-three-a of this title and shall provide guidelines for the claiming of real property, mortgage recording, and sales tax exemptions. Such guidelines shall include, but not be limited to: period of exemption; percentage of exemption; types of projects for which exemptions can be claimed; procedures for payments in lieu of taxes and instances in which real property appraisals are to be performed as a part of an application for tax exemption; in addition, the authority in adopting such policy shall consider such issues as: the extent to which a project will create or retain permanent, private sector jobs; the estimated value of any tax exemption to be provided; whether affected tax jurisdictions should be reimbursed by the project occupant if a project does not fulfill the purposes for which an exemption was provided; the impact of a proposed project on existing and proposed businesses and economic development projects in the vicinity; the amount of private sector investment generated or likely to be generated by the proposed project; the demonstrated public support for the proposed project; the likelihood of accomplishing the proposed project in a timely fashion; the effect of the proposed project upon the environment; the extent to which the project will utilize, to the fullest extent practicable and economically feasible, resource conservation, energy efficiency, green technologies, and alternative and renewable energy measures; the extent to which the project will bring additional housing units to the market; the extent to which the proposed project will require the provision of additional services, including, but not limited to additional educational, transportation, police, emergency medical or fire services; and the extent to which the proposed project will provide additional sources ~~[ex]~~ of revenue for municipalities and school districts.

§ 9. Subdivision 5 of section 2302 of the public authorities law, as amended by chapter 356 of the laws of 1993, is amended to read as follows:

5. The term "project" shall mean any land in one or more areas of the city and within or outside or partially within and partially outside the city and any building, structure, facility or other improvement thereon, including, but not limited to machinery and equipment and all real and personal properties deemed necessary in connection therewith, whether or not now in existence or under construction, which shall be necessary or suitable for industrial, warehousing, research, housing or commercial purposes, or for use by a federal agency or a medical facility and which may include or mean an industrial pollution control facility or a civic facility, provided, however, the authority shall not provide financial assistance in respect of any project wholly or partially outside the city provided, however, that the authority may provide financial assistance for such a project where a portion of the project outside the city is contiguous to a portion of the project located within the city if the authority obtains the prior consent thereto by the governing body or bodies of all the other cities, towns or villages in which a part or parts of the project is, or is to be, located.

§ 10. The opening paragraph of section 2306 of the public authorities law, as amended by chapter 304 of the laws of 2013, is amended to read as follows:

The purposes of the authority shall be to promote, develop, encourage and assist in the acquiring, constructing, reconstructing, improving, maintaining, equipping and furnishing industrial, manufacturing, warehouse, commercial, housing, and research facilities and facilities for

1 use by a federal agency or a medical facility including industrial  
2 pollution control facilities, which may include transportation facili-  
3 ties including but not limited to those relating to water, highway, rail  
4 and air, in one or more areas of the city, and thereby advance the job  
5 opportunities, health, general prosperity and economic welfare of the  
6 people of said city and to improve their medical care and standard of  
7 living; provided, however, that the authority shall not undertake any  
8 project if the completion thereof would result in the removal of an  
9 industrial or manufacturing plant of the project occupant from one area  
10 of the state to another area of the state or in abandonment of one or  
11 more plants or facilities of the project applicant located within the  
12 state, provided, however, that neither restriction shall apply if the  
13 authority shall determine on the basis of the application before it that  
14 the project is reasonably necessary to discourage the project occupant  
15 from removing such other plant or facility to a location outside the  
16 state or is reasonably necessary to preserve the competitive position of  
17 the project occupant in its respective industry. Except as otherwise  
18 provided for in this section, no financial assistance of the authority  
19 shall be provided in respect of any project where facilities or property  
20 that are primarily used in making retail sales to customers who  
21 personally visit such facilities constitute more than one-third of the  
22 total project cost. For the purposes of this article, "retail sales"  
23 shall mean: (i) sales by a registered vendor under article twenty-eight  
24 of the tax law primarily engaged in the retail sale of tangible personal  
25 property, as defined in subparagraph (i) of paragraph four of subdivi-  
26 sion (b) of section eleven hundred one of the tax law; or (ii) sales of  
27 a service to such customers. Except, however, that tourism destination  
28 projects shall not be prohibited by this paragraph. For the purpose of  
29 this paragraph, "tourism destination" shall mean a location or facility  
30 which is likely to attract a significant number of visitors from outside  
31 the economic development region as established by section two hundred  
32 thirty of the economic development law, in which the project is located.

33 § 11. Subdivision 1 of section 2315 of the public authorities law, as  
34 amended by chapter 386 of the laws of 2019, is amended to read as  
35 follows:

36 1. The authority shall establish a uniform tax exemption policy, with  
37 input from affected local taxing jurisdictions, which shall be applica-  
38 ble to provisions of financial assistance pursuant to section twenty-  
39 three hundred seven of this title and shall provide guidelines for the  
40 claiming of real property, mortgage recording, and sales tax exemptions.  
41 Such guidelines shall include, but not be limited to: period of  
42 exemption; percentage of exemption; types of projects for which  
43 exemptions may be claimed; procedures for payments in lieu of taxes and  
44 instances in which real property appraisals are to be performed as a  
45 part of an application for tax exemption; in addition, the authority in  
46 adopting such policy shall consider such issues as: the extent to which  
47 a project will create or retain permanent, private sector jobs; the  
48 estimated value of any tax exemption to be provided; whether affected  
49 tax jurisdictions should be reimbursed by the project occupant if a  
50 project does not fulfill the purposes for which an exemption was  
51 provided; the impact of a proposed project on existing and proposed  
52 businesses and economic development projects in the vicinity; the amount  
53 of private sector investment generated or likely to be generated by the  
54 proposed project; the demonstrated public support for the proposed  
55 project; the likelihood of accomplishing the proposed project in a time-  
56 ly fashion; the effect of the proposed project upon the environment; the

1 extent to which the project will utilize, to the fullest extent practi-  
2 cable and economically feasible, resource conservation, energy efficien-  
3 cy, green technologies, and alternative and renewable energy measures;  
4 the extent to which the project will bring additional housing units to  
5 the market; the extent to which the proposed project will require the  
6 provision of additional services, including, but not limited to addi-  
7 tional educational, transportation, police, emergency medical or fire  
8 services; and the extent to which the proposed project will provide  
9 additional sources of revenue for municipalities and school districts.  
10 § 12. This act shall take effect immediately.