

# STATE OF NEW YORK

701

2023-2024 Regular Sessions

## IN ASSEMBLY

January 11, 2023

Introduced by M. of A. CARROLL, DINOWITZ, COLTON, EPSTEIN, SIMON, HYND-  
MAN -- Multi-Sponsored by -- M. of A. DAVILA -- read once and referred  
to the Committee on Real Property Taxation

AN ACT to amend the real property tax law, in relation to providing a  
tax abatement for geothermal well systems in cities of one million or  
more

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

Section 1. The title heading of title 4-C of article 4 of the real  
property tax law, as amended by chapter 412 of the laws of 2018, is  
amended to read as follows:

SOLAR ELECTRIC GENERATING SYSTEM, GEOTHERMAL  
WELL SYSTEM AND ELECTRIC ENERGY STORAGE EQUIPMENT  
TAX ABATEMENT FOR CERTAIN PROPERTIES IN A CITY OF ONE MILLION OR MORE  
PERSONS

§ 2. Subdivisions 2 and 8 of section 499-aaaa of the real property tax  
law, as amended by chapter 412 of the laws of 2018, are amended and a  
new subdivision 12 is added to read as follows:

2. "Application for tax abatement" shall mean an application for a  
solar electric generating system, geothermal well system or electric  
energy storage equipment tax abatement pursuant to section four hundred  
ninety-nine-cccc of this title.

8. "Eligible solar electric generating system expenditures", "eligible  
geothermal well system expenditures" and "eligible electric energy stor-  
age equipment expenditures" shall mean reasonable expenditures for mate-  
rials, labor costs properly allocable to on-site preparation, assembly  
and original installation, architectural and engineering services, and  
designs and plans directly related to the construction or installation  
of a solar electric generating system, geothermal well system or elec-  
tric energy storage equipment installed in connection with an eligible  
building. Such eligible expenditures shall not include interest or other

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

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1 finance charges, or any expenditures incurred using a federal, state or  
2 local grant.

3 12. "Geothermal well system" means a system which uses the earth's  
4 natural temperature under the ground to heat and/or cool a building.

5 § 3. Paragraph (e) of subdivision 1 of section 499-bbbb of the real  
6 property tax law, as amended by section 1 of item B of subpart H of part  
7 XXX of chapter 58 of the laws of 2020, is amended and a new paragraph  
8 (f) is added to read as follows:

9 (e) if electric energy storage equipment is placed in service on or  
10 after January first, two thousand nineteen, and before January first,  
11 two thousand twenty-four, for each year of the compliance period such  
12 tax abatement shall be the lesser of (i) ten percent of eligible elec-  
13 tric energy storage equipment expenditures, (ii) the amount of taxes  
14 payable in such tax year, or (iii) sixty-two thousand five hundred  
15 dollars[~~+~~]; or

16 (f) if a geothermal well system is placed in service on or after Janu-  
17 ary first, two thousand twenty-five, and before January first, two thou-  
18 sand twenty-seven, for each year of the compliance period such tax  
19 abatement shall be the lesser of (i) ten percent of eligible geothermal  
20 well system expenditures, (ii) the amount of taxes payable in such tax  
21 year, or (iii) sixty-two thousand five hundred dollars.

22 § 4. Subdivisions 1 and 3 of section 499-cccc of the real property tax  
23 law, subdivision 1 as amended by section 2 of item B of subpart H of  
24 part XXX of chapter 58 of the laws of 2020 and subdivision 3 as amended  
25 by chapter 412 of the laws of 2018, are amended to read as follows:

26 1. To obtain a tax abatement pursuant to this title, an applicant must  
27 file an application for tax abatement, which may be filed on or after  
28 January first, two thousand nine, and on or before March fifteenth, two  
29 thousand twenty-four for eligible solar electric generating system  
30 expenditures and eligible electric energy storage expenditures and on or  
31 after January first, two thousand twenty-five, and on or before March  
32 fifteenth, two thousand twenty-seven for eligible geothermal well system  
33 expenditures.

34 3. Such application shall contain the following:

35 (a) The name and address of the applicant and the location of the  
36 solar electric generating system, geothermal well system or the electric  
37 energy storage equipment.

38 (b) Proof that the applicant received all required certifications,  
39 permits and other approvals to construct the solar electric generating  
40 system, geothermal well system or the electric energy storage equipment.

41 (c) Certifications in a form prescribed by a designated agency, from  
42 an architect, engineer or other certified or licensed professional whom  
43 a designated agency designates by rule, that (i) a solar electric gener-  
44 ating system, geothermal well system or electric energy storage equip-  
45 ment has been placed in service in connection with an eligible building  
46 in accordance with this title, the rules promulgated hereunder, and  
47 local construction and fire codes, and (ii) if the solar electric gener-  
48 ating system, geothermal well system or electric energy storage equip-  
49 ment has been placed on the roof of a building or other structure, that  
50 a structural analysis has been performed establishing that such building  
51 or structure can sustain the load of such solar electric generating  
52 system, geothermal well system or electric energy storage equipment. All  
53 certifications required by this title or the rules promulgated hereunder  
54 shall set forth the specific findings upon which the certification is  
55 based, and shall include information sufficient to identify the eligible

1 building, the certifying engineer, architect or other professional, and  
2 such other information as may be prescribed by a designated agency.

3 (d) An agreement to permit a designated agency or its designee to  
4 inspect the solar electric generating system, geothermal well system or  
5 electric energy storage equipment and any related structures and equip-  
6 ment upon reasonable notice.

7 (e) Any other information or certifications required by a designated  
8 agency pursuant to this title and the rules promulgated hereunder.

9 § 5. Subdivision 1 of section 499-dddd of the real property tax law,  
10 as amended by chapter 412 of the laws of 2018, is amended to read as  
11 follows:

12 1. continuing compliance during the compliance period with all appli-  
13 cable provisions of law, including without limitation the local  
14 construction and fire codes, maintaining the solar electric generating  
15 system or electric energy storage equipment in such a manner that it  
16 continuously constitutes a solar electric generating system, geothermal  
17 well system or electric energy storage equipment within the meaning of  
18 this title and the rules promulgated hereunder, and permitting a desig-  
19 nated agency or its designee to inspect the solar electric generating  
20 system, geothermal well system or electric energy storage equipment and  
21 any related structures and equipment upon reasonable notice; and

22 § 6. Paragraphs (c) and (d) of subdivision 1 of section 499-eeee of  
23 the real property tax law, as amended by chapter 412 of the laws of  
24 2018, are amended to read as follows:

25 (c) the solar electric generating system, geothermal well system or  
26 electric energy storage equipment for which a tax abatement was granted  
27 has at any time during the compliance period failed to meet any require-  
28 ment for a solar electric generating system, geothermal well system or  
29 electric energy storage equipment pursuant to this title or any rule  
30 promulgated hereunder;

31 (d) the solar electric generating system, geothermal well system or  
32 electric energy storage equipment has become a fire or safety hazard at  
33 any time during the compliance period; or

34 § 7. Paragraphs (b), (c) and (d) of subdivision 2 of section 499-ffff  
35 of the real property tax law, as amended by chapter 412 of the laws of  
36 2018, are amended to read as follows:

37 (b) to inspect solar electric generating systems, geothermal well  
38 systems or electric energy storage equipment and any related structures  
39 and equipment;

40 (c) to establish permit or certification requirements to determine  
41 when the solar electric generating system, geothermal well system or  
42 electric energy storage equipment has been placed in service, such as  
43 certification by an architect, engineer or other certified or licensed  
44 professional whom a designated agency designates by rule;

45 (d) to establish guidance and procedures for determining or certifying  
46 eligible solar electric generating system, geothermal well system or  
47 electric energy storage equipment expenditures;

48 § 8. This act shall take effect immediately.