

# STATE OF NEW YORK

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8011

2023-2024 Regular Sessions

## IN ASSEMBLY

September 1, 2023

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Introduced by M. of A. RIVERA -- read once and referred to the Committee on Ways and Means

AN ACT to extend the duration of certain brownfield redevelopment and remediation tax credits for certain sites

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

1 Section 1. (a) Notwithstanding any provision of law, rule or regu-  
2 lation to the contrary, any site for which (i) a brownfield cleanup  
3 agreement with the department of environmental conservation was entered  
4 into prior to June 23, 2008 with respect to a site located within the  
5 Renaissance Commerce Park situate within the city of Lackawanna, Erie  
6 county, (ii) which received a certificate of completion on or before  
7 December 31, 2017, and (iii) that has not otherwise had property placed  
8 in service upon such a site as of the effective date of this act, shall  
9 be an eligible site for purposes of the brownfield redevelopment tax  
10 credits available to such a site pursuant to section 21 of the tax law  
11 as in effect for such a site as of the effective date of this act  
12 provided the site preparation component shall be allowed for all appli-  
13 cable costs incurred on such a site prior to and within the tax year in  
14 which improvements on such a site are placed in service, and for a seven  
15 year period following the year property is first placed in service upon  
16 such a site, provided, such a date occurs prior to the 2036 tax year,  
17 the on-site ground water remediation component shall be allowed for all  
18 applicable costs incurred on such a site prior to and within the tax  
19 year in which improvements on such a site are placed in service, and for  
20 a seven year period following the year property is first placed in  
21 service upon such a site, provided, such a date occurs prior to the 2036  
22 tax year, and the tangible property credit component shall be allowed  
23 for all applicable costs incurred on such a site prior to and within the  
24 tax year in which improvements on such a site are placed in service, and  
25 for a ten year period (120 months) following the year property is first

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

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1 placed in service upon such a site, provided such a date occurs prior to  
2 the 2036 tax year.

3 (b) In addition, any site for which (i) a brownfield cleanup agreement  
4 with the department of environmental conservation was entered into prior  
5 to June 23, 2008 with respect to a site located within the Renaissance  
6 Commerce Park situate within the city of Lackawanna, Erie county, (ii)  
7 which received a certificate of completion on or before December 31,  
8 2017, and (iii) that has not otherwise had property placed in service  
9 upon such a site as of the effective date of this act shall be eligible  
10 to claim the tax credit for remediated brownfields available to such a  
11 site pursuant to section 22 of the tax law as in effect for such a site  
12 as of the effective date of this act provided the benefit period as  
13 applicable thereto shall be deemed to be a ten-consecutive-tax-year  
14 period beginning with the tax year in which improvements on such a site  
15 are placed in service where said benefit period shall begin no later  
16 than the 2036 tax year.

17 (c) Further, any site for which (i) a brownfield cleanup agreement  
18 with the department of environmental conservation was entered into prior  
19 to June 23, 2008 with respect to a site located within the Renaissance  
20 Commerce Park situate within the city of Lackawanna, Erie county, (ii)  
21 which received a certificate of completion on or before December 31,  
22 2017, and (iii) that has not otherwise had property placed in service  
23 upon such a site as of the effective date of this act, shall be an  
24 eligible site for purposes of claiming the tax credit for remediated  
25 brownfields available to such a site pursuant to section 22 of the tax  
26 law, provided that such developer as defined under section 22 of the tax  
27 law has purchased or in any other way has been conveyed all or any  
28 portion of such a site from any other party who or which has been issued  
29 a certificate of completion with respect to such site and further  
30 provided that such purchase or conveyance occurs no later than the 2036  
31 tax year.

32 § 2. This act shall take effect immediately.