

STATE OF NEW YORK

216

2023-2024 Regular Sessions

IN SENATE

(Prefiled)

January 4, 2023

Introduced by Sens. MYRIE, CLEARE, HOYLMAN, KRUEGER, RIVERA, SALAZAR -- read twice and ordered printed, and when printed to be committed to the Committee on Housing, Construction and Community Development

AN ACT to repeal section 421-a of the real property tax law, relating to the affordable New York housing program; to amend the real property tax law, the administrative code of the city of New York, and the private housing finance law, in relation to making necessary technical and conforming changes; and to repeal certain sections of the administrative code of the city of New York relating thereto

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

1 Section 1. Section 421-a of the real property tax law is REPEALED.
2 § 2. Section 11-245 of the administrative code of the city of New York
3 is REPEALED.
4 § 3. Section 11-245.1 of the administrative code of the city of New
5 York is REPEALED.
6 § 4. Section 11-245.1-a of the administrative code of the city of New
7 York is REPEALED.
8 § 5. Section 11-245.1-b of the administrative code of the city of New
9 York is REPEALED.
10 § 6. The thirteenth undesignated paragraph of subdivision a of section
11 6-130 of the administrative code of the city of New York, as amended by
12 local law number 212 of the city of New York for the year 2019, is
13 amended to read as follows:
14 "Lease" means any agreement whereby a contracting agency contracts
15 for, or leases or rents, commercial office space or commercial office
16 facilities of 10,000 square feet or more from a non-governmental entity
17 provided the city, whether through a single agreement or multiple agree-
18 ments, leases or rents no less than 51 percent of the total square
19 footage of the building to which the lease applies, or if such space or

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

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1 such facility is entirely located within the geographic area in the
2 borough of Staten Island[, ~~or in an area not defined as an exclusion~~
3 ~~area pursuant to section 421-a of the real property tax law~~] on the date
4 of enactment of the local law that added this section, then no less than
5 80 percent of the total square footage of the building to which the
6 lease applies. Such agreements do not include agreements between not-
7 for-profit organizations and a contracting agency.

8 § 7. Subdivision 1 of section 11-239 of the administrative code of the
9 city of New York, as amended by local law number 40 of the city of New
10 York for the year 2007, is amended to read as follows:

11 1. For fiscal years beginning the first of July, two thousand three
12 and ending the thirtieth of June, two thousand nine, a rebate in the
13 amount of the lesser of four hundred dollars or the annual tax liability
14 imposed on the property shall be paid to an owner or tenant-stockholder
15 who, as of the date the application provided for in subdivision four of
16 this section is due, owns a one, two or three family residence or a
17 dwelling unit in residential property held in the condominium or cooper-
18 ative form of ownership that is the owner or tenant-stockholder's prima-
19 ry residence and meets all other eligibility requirements of this
20 section. If, with respect to the fiscal year beginning on the first of
21 July, two thousand eight and ending on the thirtieth of June, two thou-
22 sand nine, an increase in average real property tax rates would other-
23 wise be necessary in the resolution of the city council fixing real
24 property tax rates for such fiscal year pursuant to the charter, then
25 the rebate to be paid for such fiscal year shall be reduced or elimi-
26 nated as follows: where the sum to be raised by such increase is less
27 than seven hundred fifty million dollars, then such rebate shall be
28 reduced by fifty cents for each dollar of increase, and where the sum to
29 be raised by such increase is seven hundred fifty million dollars or
30 more, then such rebate shall be eliminated. Notwithstanding anything to
31 the contrary in sections [~~four hundred twenty-one-a,~~] four hundred twen-
32 ty-one-b or four hundred twenty-one-g of the real property tax law, an
33 owner or tenant-stockholder whose property is receiving benefits pursu-
34 ant to such sections shall not be prohibited from receiving a rebate
35 pursuant to this section if such owner or tenant-stockholder is other-
36 wise eligible to receive such rebate. Tenant-stockholders of dwelling
37 units in a cooperative apartment corporation incorporated as a mutual
38 company pursuant to article two, four, five or eleven of the private
39 housing finance law shall not be entitled to the rebate authorized by
40 this section. Such rebate shall be paid by the commissioner of finance
41 to eligible owners or tenant-stockholders in accordance with rules
42 promulgated by the commissioner of finance.

43 § 8. Subdivision h of section 26-901 of the administrative code of the
44 city of New York, as added by local law number 44 of the city of New
45 York for the year 2012, is amended to read as follows:

46 h. "Housing development project" means construction, rehabilitation or
47 alteration of any residential building, residential facility or residen-
48 tial structure by a developer (1) which creates or preserves at least
49 one dwelling unit; (2) which is funded in whole or in part by city
50 financial assistance other than non-discretionary tax abatements or
51 benefits approved or administered in accordance with [~~sections 421-a or~~
52 ~~489~~] section four hundred eighty-nine of the [~~New York state~~] real prop-
53 erty tax law or other similar programs and (3) where the developer of
54 such project was not selected more than five years prior to the effec-
55 tive date of this chapter. The term "housing development project" shall
56 not include emergency repairs performed by or on behalf of the depart-

ment pursuant to section 27-2125 of this code, work performed by or on behalf of the department pursuant to section 27-2153 of this code, demolition work performed by or on behalf of the department pursuant to articles two hundred fifteen or two hundred sixteen of chapter two of title twenty-eight of this code, or work funded by the department pursuant to article ~~[seven-a]~~ seven-A of the ~~[New York state]~~ real property actions and proceedings law.

§ 9. Subdivision 18 of section 654-d of the private housing finance law, as amended by chapter 703 of the laws of 1992, is amended to read as follows:

18. Rentals. Notwithstanding the provisions of, or any regulation promulgated pursuant to, the emergency housing rent control law, the local emergency housing rent control act or local law enacted pursuant thereto, all dwelling units in a multiple dwelling the rehabilitation of which commenced after July first, nineteen hundred seventy-seven and which is financed by a mortgage loan insured by the subsidiary corporation (including, but not limited to, mortgage loans insured pursuant to mortgage insurance contracts and housing insurance contracts), except for dwelling units occupied by reason of ownership of stock in a cooperative and except for dwelling units that constitute condominiums, shall be subject to the rent stabilization law of nineteen hundred sixty-nine, beginning immediately after initial rents, as established under applicable provisions of this chapter, ~~[section four hundred twenty-one-a of the real property tax law,]~~ section four hundred eighty-nine of the real property tax law and/or subparagraph (m) of paragraph one of subdivision g of section 26-405 of the administrative code of the city of New York for such dwelling units to become effective on the basis of such rehabilitation, provided that any occupant in possession of a dwelling unit that first becomes subject to the rent stabilization law of nineteen hundred sixty-nine pursuant to this section shall be offered a two-year lease notwithstanding any contrary provisions of, or regulations adopted pursuant to, such rent stabilization law, at the initial rent established for such dwelling unit and provided further that such dwelling units, other than those dwelling units, the initial rents of which are established under subparagraph (m) of paragraph one of subdivision g of section 26-405 of the administrative code of the city of New York, shall remain subject to the rent stabilization law in accordance with the provisions of this chapter~~[, section four hundred twenty-one-a of the real property tax law]~~ and/or section four hundred eighty-nine of the real property tax law as the case may be. Except to the extent to which dwelling units, which are controlled under other provisions of law, become subject to the rent stabilization law of nineteen hundred sixty-nine pursuant to the preceding sentence, no dwelling unit shall become subject to the rent stabilization law solely by reason of insurance of a mortgage loan by the subsidiary corporation.

§ 10. Subdivision 6 of section 421-m of the real property tax law, as added by section 43 of part B of chapter 97 of the laws of 2011, is amended to read as follows:

6. The exemption authorized by this section shall not be available in a jurisdiction to which the provisions of section ~~[four hundred twenty-one-a or]~~ four hundred twenty-one-c of this article are applicable.

§ 11. Subdivision 1 of section 467-e of the real property tax law, as amended by chapter 483 of the laws of 2007, is amended to read as follows:

1. Generally. Notwithstanding any provision of any general, special or local law to the contrary, any city having a population of one million

1 or more is hereby authorized and empowered to adopt and amend local laws
2 in accordance with this section to grant a rebate of real property taxes
3 for fiscal years beginning on the first of July, two thousand three and
4 ending on the thirtieth of June, two thousand nine in the amount of the
5 lesser of four hundred dollars or the annual tax liability imposed on
6 the property. No such local law may be adopted unless, as originally
7 adopted, it authorizes such rebate to be granted in accordance with this
8 section for three consecutive fiscal years beginning with the fiscal
9 year beginning on the first of July, two thousand three. No such rebate
10 shall be granted by local law for any fiscal year beginning on or after
11 the first of July, two thousand nine, unless the council of such city,
12 in fixing the annual tax rates for any such fiscal year, shall have
13 uniformly reduced such rates for all classes of property in order to
14 produce real property tax relief among such classes of property in an
15 amount not less than, in the aggregate, the aggregate amount of rebate
16 paid in such fiscal year. No such local law implementing the provisions
17 of this section, as amended by ~~[the]~~ chapter four hundred eighty-three
18 of the laws of two thousand seven ~~[which added this sentence]~~, may be
19 adopted unless, as originally adopted, such local law authorizes such
20 rebate to be granted in accordance with this section for three consec-
21 utive fiscal years beginning with the fiscal year beginning on the first
22 of July, two thousand six. Any rebate authorized by local law in accord-
23 ance with this section shall be paid in the fiscal year following the
24 fiscal year for which the rebate is granted. If, with respect to the
25 fiscal year of such city beginning on the first of July, two thousand
26 eight and ending on the thirtieth of June, two thousand nine, an
27 increase in average real property tax rates would otherwise be necessary
28 in the resolution of such city council fixing real property tax rates
29 for such fiscal year pursuant to the charter of such city, then the
30 rebate to be paid for such fiscal year shall be reduced or eliminated as
31 follows: where the sum to be raised by such increase is less than seven
32 hundred fifty million dollars, then such rebate shall be reduced by
33 fifty cents for each dollar of increase, and where the sum to be raised
34 by such increase is seven hundred fifty million dollars or more, then
35 such rebate shall be eliminated. The determination of the reduction or
36 elimination of such rebate shall be set forth in such resolution after
37 consultation with the department of finance of such city and shall take
38 effect upon the final adoption of such resolution. Such rebate shall be
39 paid to an owner or tenant-stockholder who, as of the date the applica-
40 tion provided for in subdivision four of this section is due, owns a
41 one, two or three family residence or a dwelling unit in residential
42 property held in the condominium or cooperative form of ownership that
43 is the owner or tenant-stockholder's primary residence and meets all
44 other eligibility requirements of this section. Notwithstanding
45 anything to the contrary in sections ~~[four hundred twenty-one-a,]~~ four
46 hundred twenty-one-b or four hundred twenty-one-g of this title, an
47 owner or tenant-stockholder whose property is receiving benefits pursu-
48 ant to such sections shall not be prohibited from receiving a rebate
49 pursuant to this section if such owner or tenant-stockholder is other-
50 wise eligible to receive such rebate. Tenant-stockholders of dwelling
51 units in a cooperative apartment corporation incorporated as a mutual
52 company pursuant to article two, four, five or eleven of the private
53 housing finance law shall not be entitled to the rebate authorized by
54 this section. Such rebate shall be paid by the commissioner of finance
55 to eligible owners or tenant-stockholders in accordance with rules
56 promulgated by the commissioner of finance.

§ 12. Paragraph (b) of subdivision 1-a of section 489 of the real property tax law, as added by chapter 450 of the laws of 2003, is amended to read as follows:

(b) for tax lots in the city of New York now existing or hereafter created within the following area in the borough of Manhattan, such conversions, alterations or improvements are aided by a grant, loan or subsidy from any federal, state or local agency or instrumentality: beginning at the intersection of the United States pierhead line in the Hudson river and the center line of Chambers street extended, thence easterly to the center line of Chambers street and continuing along the center line of Chambers street to the center line of Centre street, thence southerly along the center line of Centre street to the center line of the Brooklyn Bridge to the intersection of the Brooklyn Bridge and the United States pierhead line in the East river, thence northerly along the United States pierhead line in the East river to the intersection of the United States pierhead line in the East river and the center line of One Hundred Tenth street extended, thence westerly to the center line of One Hundred Tenth street and continuing along the center line of One Hundred Tenth street to its westerly terminus, thence westerly to the intersection of the center line of One Hundred Tenth street extended and the United States pierhead line in the Hudson river, thence southerly along the United States pierhead line in the Hudson river to the point of beginning. For purposes of this subdivision, "floor area" shall ~~have the same meaning as in paragraph b of subdivision one of section four hundred twenty-one-a of this title~~ mean the horizontal areas of the several floors or any portion thereof of a dwelling or dwellings and accessory structures on a lot measured from the exterior faces of exterior walls or from the center line of party walls. Nothing in this subdivision shall be construed to provide benefits pursuant to subdivision two of this section for the costs attributable to the increased cubic content in any such building or structure.

§ 13. This act shall take effect immediately.