

STATE OF NEW YORK

6640

2023-2024 Regular Sessions

IN SENATE

May 3, 2023

Introduced by Sen. KAVANAGH -- read twice and ordered printed, and when printed to be committed to the Committee on Cities 1

AN ACT to amend the real property tax law, in relation to updating and modifying the tax abatements for certain solar and electric storage systems

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

1 Section 1. Subdivisions 2, 7, and 8 of section 499-aaaa of the real
2 property tax law, subdivisions 2 and 8 as amended by chapter 412 of the
3 laws of 2018 and subdivision 7 as added by chapter 473 of the laws of
4 2008, are amended to read as follows:

5 2. "Application for tax abatement" shall mean an application for a
6 solar electric generating system [~~ex~~] and/or electric energy storage
7 equipment tax abatement pursuant to section four hundred ninety-nine-
8 cccc of this title.

9 7. "Eligible building" shall mean a class one, class two or class four
10 real property, as defined in subdivision one of section eighteen hundred
11 two of this chapter, located within a city having a population of one
12 million or more persons. [~~No building shall be eligible for more than
13 one tax abatement pursuant to this title.~~]

14 8. "Eligible solar electric generating system expenditures" and
15 "eligible electric energy storage equipment expenditures" shall mean
16 reasonable expenditures for materials, labor costs properly allocable to
17 on-site preparation, assembly and original installation, architectural
18 and engineering services, and designs and plans directly related to the
19 construction or installation of a solar electric generating system [~~ex~~]
20 and/or electric energy storage equipment installed in connection with an
21 eligible building. Solar parking canopy structures shall be considered a
22 solar electric generating system for the purposes of this subdivision.
23 Such eligible expenditures shall not include interest or other finance

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

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

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

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

14 (f) if the solar electric generating system and/or electric energy
15 storage system is placed in service on or after January first, two thou-
16 sand twenty-four, and before January first, two thousand thirty-five,
17 for each year of the compliance period such tax abatement shall be the
18 lesser of (i) seven and one-half percent of eligible solar electric
19 generating system and/or energy storage system expenditures, (ii) the
20 amount of taxes payable in such tax year, or (iii) sixty-two thousand
21 five hundred dollars.

22 5. Notwithstanding any limitations or restrictions noted within this
23 section or local law or resolution, eligible buildings that are owned by
24 a corporation, association, organization or trust described in section
25 501 (c) (3) of the United States internal revenue code, incorporated
26 under articles two, five, or nine of the private housing finance law, or
27 are income-restricted affordable housing properties, including but not
28 limited to properties with regulatory agreements with the New York city
29 department of housing preservation and development, New York city hous-
30 ing development corporation, New York state department of housing and
31 community renewal, or the United States department of housing and urban
32 development, shall be eligible for a direct-pay credit equal to the
33 monetary value of the abatement as calculated in paragraph (f) of subdi-
34 vision one of this section. Such direct-pay credit shall be issued to
35 the eligible building owner by the department of finance in the form of
36 a check irrespective of the amount of taxes payable in such tax year.

37 § 3. Subdivision 1 of section 499-cccc of the real property tax law,
38 as amended by section 2 of item B of subpart H of part XXX of chapter 58
39 of the laws of 2020, is amended to read as follows:

40 1. To obtain a tax abatement pursuant to this title, an applicant must
41 file an application for tax abatement, which may be filed on or after
42 January first, two thousand nine, and on or before March fifteenth, two
43 thousand [~~twenty-four~~] thirty-five.

44 § 4. This act shall take effect immediately.