STATE OF NEW YORK

10409

IN ASSEMBLY

March 3, 2026

Introduced by M. of A. LUNSFORD -- read once and referred to the Committee on Local Governments

AN ACT to amend the general municipal law, in relation to excluding child day care providers from restrictions on receiving financial assistance from industrial development agencies

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

Section 1. Paragraph (a) of subdivision 2 of section 862 of the general municipal law, as added by section 1 of part J of chapter 59 of the laws of 2013, is amended to read as follows:

(a) Except as provided in paragraph (b) of this subdivision, no financial assistance of the agency 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 subdivision. 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. **Provided further, however, that child day care providers, as such term is defined pursuant to paragraph (b) of subdivision one of section three hundred ninety of the social services law, shall not be prohibited by this subdivision.**

§ 2. This act shall take effect immediately.

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

LBD14570-01-6