

STATE OF NEW YORK

3804--A

2025-2026 Regular Sessions

IN ASSEMBLY

January 30, 2025

Introduced by M. of A. ALVAREZ -- read once and referred to the Committee on Real Property Taxation -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

AN ACT to amend the real property tax law, in relation to establishing the "broadband investment tax stabilization (BITS) act" regarding telecommunications equipment owned by other than a telephone company

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

1 Section 1. Short title. This act shall be known and may be cited as
2 the "broadband investment tax stabilization (BITS) act".

3 § 2. The legislature finds that it is necessary to correct a decision
4 of the court of appeals that erroneously overlooked or misconstrued
5 section 1 of chapter 71 of the laws of 1985, sections 2, 6, and 7 of
6 chapter 416 of the laws of 1987, and paragraph (i) of subdivision 12 of
7 section 102 of the real property tax law. This act is intended to clarify
8 that all equipment used for the transmission and switching of elec-
9 tromagnetic voice, video and data signals between different entities
10 separated by air, street or other public domain, and related equipment
11 necessary to the operation of such equipment or the modification of such
12 signals required by such equipment, regardless of location, no longer
13 constitutes real property subject to the real property tax law, even if
14 any items of such equipment would otherwise constitute a fixture taxable
15 under paragraph (b) of subdivision 12 of section 102 of the real prop-
16 erty tax law.

17 § 3. Paragraph (i) of subdivision 12 of section 102 of the real prop-
18 erty tax law, as added by chapter 416 of the laws of 1987, is amended to
19 read as follows:

20 (i) When owned by other than a telephone company as such term is
21 defined in paragraph (d) [~~hereof~~] of this subdivision, all lines, wires,
22 poles, supports and inclosures for electrical conductors upon, above and
23 underground used in connection with the transmission or switching of

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

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1 electromagnetic voice, video and data signals between different entities
2 separated by air, street or other public domain, except that such prop-
3 erty shall not include: (A) station connections; (B) fire and surveil-
4 lance alarm system property; (C) such property used in the transmission
5 of news wire services; [~~and~~] (D) such property used in the transmission
6 of news or entertainment radio, television or cable television signals
7 for immediate, delayed or ultimate exhibition to the public, whether or
8 not a fee is charged therefor; and (E) such property, other than fiber
9 optic cables, towers, permanently affixed steel rooftop structures and
10 walk-in shelters, used in, providing for, or associated with, the trans-
11 mission or switching of radio signals for the provision of commercial
12 mobile radio service or mobile internet access service.

13 § 4. This act shall take effect immediately and shall apply to all
14 assessments that have not become final as of such date, whether or not a
15 taxpayer has filed a complaint with respect to an assessment under
16 section 524 of the real property tax law.