

# STATE OF NEW YORK

10519

## IN SENATE

May 15, 2026

Introduced by Sen. GONZALEZ -- read twice and ordered printed, and when printed to be committed to the Committee on Investigations and Government Operations

AN ACT to amend the tax law, in relation to the tangible property credit component of the brownfield redevelopment tax credit

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

1 Section 1. Subparagraph (i) of paragraph 3 of subdivision (a) of  
2 section 21 of the tax law, as amended by section 2 of subpart B of part  
3 J of chapter 59 of the laws of 2023, is amended to read as follows:  
4 (i) The tangible property credit component shall be equal to the  
5 applicable percentage of the cost or other basis for federal income tax  
6 purposes of tangible personal property and other tangible property,  
7 including buildings and structural components of buildings, which  
8 constitute qualified tangible property and may include any related party  
9 service fee paid; provided that in determining the cost or other basis  
10 of such property, the taxpayer shall exclude the acquisition cost of any  
11 item of property with respect to which a credit under this section was  
12 allowable to another taxpayer; and provided further that for the  
13 purposes of this section, starting with taxable year two thousand twen-  
14 ty-two, on sites that comply with the track one remediation standards  
15 promulgated pursuant to subdivision four of section 27-1415 of the envi-  
16 ronmental conservation law, stadiums, baseball parks, basketball courts  
17 and other athletic facilities shall be considered buildings, and that  
18 components of stadiums, baseball parks, basketball courts, and other  
19 athletic facilities constructed on such sites, including sports field  
20 turf, site lighting, sidewalks, access and entry ways, and other  
21 improvements added to land, shall be considered structural components of  
22 buildings under the internal revenue code, and shall be included in the  
23 definition of tangible property for the purposes of this section. A  
24 related party service fee shall be allowed only in the calculation of  
25 the tangible property credit component and shall not be allowed in the  
26 calculation of the site preparation credit component or the on-site  
27 groundwater remediation credit component. The portion of the tangible

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

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1 property credit component which is attributable to related party service  
2 fees shall be allowed only as follows: (A) in the taxable year in which  
3 the qualified tangible property described in subparagraph (iii) of this  
4 paragraph is placed in service, for that portion of the related party  
5 service fees which have been earned and actually paid to the related  
6 party on or before the last day of such taxable year; and (B) with  
7 respect to any other taxable year for which the tangible property credit  
8 component may be claimed under this subparagraph and in which the amount  
9 of any additional related party service fees are actually paid by the  
10 taxpayer to the related party, the tangible property credit component  
11 for such amount shall be allowed in such taxable year. The credit compo-  
12 nent amount so determined shall be allowed for the taxable year in which  
13 such qualified tangible property is first placed in service on a quali-  
14 fied site with respect to which a certificate of completion has been  
15 issued to the taxpayer, or for the taxable year in which the certificate  
16 of completion is issued if the qualified tangible property is placed in  
17 service prior to the issuance of the certificate of completion. This  
18 credit component shall only be allowed for up to one hundred twenty  
19 months after the date of the issuance of such certificate of completion,  
20 provided, however, that for qualified sites to which a certificate of  
21 completion is issued on or after March twentieth, two thousand ten, but  
22 prior to January first, two thousand twelve, the commissioner may extend  
23 the credit component for up to one hundred forty-four months after the  
24 date of such issuance, if the commissioner, in consultation with the  
25 commissioner of environmental conservation, determines that the require-  
26 ments for the credit would have been met if not for the restrictions  
27 related to the state disaster emergency declared pursuant to executive  
28 order 202 of 2020 or any extension thereof or subsequent executive order  
29 issued in response to the novel coronavirus (COVID-19) pandemic;  
30 provided, however, with respect to any qualified site for which the  
31 department of environmental conservation has issued a certificate of  
32 completion to the taxpayer on or after March twentieth, two thousand ten  
33 and before December thirty-first, two thousand fifteen, this credit  
34 component shall be allowed for up to one hundred eighty months after the  
35 date of the issuance of such certificate of completion; provided, howev-  
36 er, that for qualified sites located in counties with a population of  
37 greater than two million two hundred thousand and less than two million  
38 five hundred thousand based on the latest federal decennial census, for  
39 which the department of environmental conservation has issued a certif-  
40 icate of completion to the taxpayer on or after January first, two thou-  
41 sand seventeen and prior to January first, two thousand eighteen, but  
42 which cannot commence development due to environmental hazards posed by  
43 an adjacent New York power authority peaker plant facility, the credit  
44 component shall be allowed for up to one hundred eighty months after the  
45 date of the issuance of such certificate of completion; provided that  
46 such property includes a minimum of forty percent publicly accessible  
47 open space, and a minimum of twenty-five percent affordable housing  
48 units; and provided further, with respect to any qualified site located  
49 in cities with a population greater than two hundred five thousand and  
50 less than two hundred fifteen thousand in counties with a population  
51 greater than one million but less than one million ten thousand based on  
52 the latest federal decennial census for which the department of environ-  
53 mental conservation has issued a certificate of completion to the  
54 taxpayer on or after January first, two thousand seventeen and before  
55 December thirty-first, two thousand seventeen, this credit component

1 shall be allowed for up to one hundred eighty months after the date of  
2 the issuance of such certificate of completion.  
3 § 2. This act shall take effect immediately.