

STATE OF NEW YORK

256--A

2025-2026 Regular Sessions

IN SENATE

(Prefiled)

January 8, 2025

Introduced by Sens. MARTINEZ, COMRIE, JACKSON, WEBB -- read twice and ordered printed, and when printed to be committed to the Committee on Local Government -- recommitted to the Committee on Local Government in accordance with Senate Rule 6, sec. 8 -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

AN ACT to amend the general municipal law and the public authorities law, in relation to making housing a policy of the state of New York

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

1 Section 1. Section 852 of the general municipal law, as amended by
2 chapter 630 of the laws of 1977, the first undesignated paragraph as
3 amended by chapter 747 of the laws of 2005, the second undesignated
4 paragraph as amended by chapter 478 of the laws of 2011 and the third
5 undesignated paragraph as amended by section 4 of part X of chapter 59
6 of the laws of 2021, is amended to read as follows:
7 § 852. Policy and purposes of article. It is hereby declared to be the
8 policy of this state to promote the economic welfare, recreation oppor-
9 tunities and prosperity of its inhabitants and to actively promote,
10 attract, encourage and develop recreation, economically sound commerce
11 and industry and economically sound projects identified and called for
12 to implement a state heritage area management plan as provided in title
13 G of the parks, recreation and historic preservation law through govern-
14 mental action for the purpose of preventing unemployment and economic
15 deterioration by the creation of industrial development agencies which
16 are hereby declared to be governmental agencies and instrumentalities
17 and to grant to such industrial development agencies the rights and
18 powers provided in this article.
19 It is hereby further declared to be the policy of this state to
20 protect and promote the health of the inhabitants of this state by the

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

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1 conservation, protection and improvement of the natural and cultural or
2 historic resources and environment and to control land, sewer, water,
3 air, noise or general environmental pollution derived from the operation
4 of industrial, manufacturing, warehousing, commercial, recreation, horse
5 racing facilities, railroad facilities, automobile racing facilities and
6 research facilities and to grant such industrial development agencies
7 the rights and powers provided by this article with respect to indus-
8 trial pollution control facilities.

9 It is hereby further declared to be the policy of this state to
10 protect and promote the health of the inhabitants of this state and to
11 increase trade through promoting the development of facilities to
12 provide recreation for the citizens of the state and to attract tourists
13 from other states, to increasing housing stock in support of the state's
14 housing goals as may be established and amended from time to time and to
15 promote the development of renewable energy projects to support the
16 state's renewable energy goals as may be established or amended from
17 time to time.

18 The use of all such rights and powers is a public purpose essential to
19 the public interest, and for which public funds may be expended.

20 § 2. Subdivision 4 of section 854 of the general municipal law, as
21 amended by section 5 of part X of chapter 59 of the laws of 2021, is
22 amended to read as follows:

23 (4) "Project" - shall mean any land, any building or other improve-
24 ment, and all real and personal properties located within the state of
25 New York and within or outside or partially within and partially outside
26 the municipality for whose benefit the agency was created, including,
27 but not limited to, machinery, equipment and other facilities deemed
28 necessary or desirable in connection therewith, or incidental thereto,
29 whether or not now in existence or under construction, which shall be
30 suitable for manufacturing, warehousing, research, commercial, renewable
31 energy, housing or industrial purposes or other economically sound
32 purposes identified and called for to implement a state designated urban
33 cultural park management plan as provided in title G of the parks,
34 recreation and historic preservation law and which may include or mean
35 an industrial pollution control facility, a recreation facility, educa-
36 tional or cultural facility, a horse racing facility, a railroad facili-
37 ty, a renewable energy project, housing facility, or an automobile
38 racing facility, provided, however, no agency shall use its funds or
39 provide financial assistance in respect of any project wholly or
40 partially outside the municipality for whose benefit the agency was
41 created without the prior consent thereto by the governing body or
42 bodies of all the other municipalities in which a part or parts of the
43 project is, or is to be, located, and such portion of the project
44 located outside such municipality for whose benefit the agency was
45 created shall be contiguous with the portion of the project inside such
46 municipality.

47 § 3. The opening paragraph of section 858 of the general municipal
48 law, as amended by section 6 of part X of chapter 59 of the laws of
49 2021, is amended to read as follows:

50 The purposes of the agency shall be to promote, develop, encourage and
51 assist in the acquiring, constructing, reconstructing, improving, main-
52 taining, equipping and furnishing industrial, manufacturing, warehous-
53 ing, commercial, research, renewable energy, housing, and recreation
54 facilities including industrial pollution control facilities, educa-
55 tional or cultural facilities, railroad facilities, horse racing facili-
56 ties, automobile racing facilities, renewable energy projects, housing

1 facilities and continuing care retirement communities, provided, howev-
2 er, that, of agencies governed by this article, only agencies created
3 for the benefit of a county and the agency created for the benefit of
4 the city of New York shall be authorized to provide financial assistance
5 in any respect to a continuing care retirement community, and thereby
6 advance the job opportunities, health, general prosperity and economic
7 welfare of the people of the state of New York and to improve their
8 recreation opportunities, prosperity and standard of living; and to
9 carry out the aforesaid purposes, each agency shall have the following
10 powers:

11 § 4. Paragraph (b) of subdivision 5 of section 859-a of the general
12 municipal law, as amended by section 7 of part X of chapter 59 of the
13 laws of 2021, is amended to read as follows:

14 (b) a written cost-benefit analysis by the agency that identifies the
15 extent to which a project will create or retain permanent, private
16 sector jobs; the estimated value of any tax exemptions to be provided;
17 the amount of private sector investment generated or likely to be gener-
18 ated by the proposed project; the contribution of the project to the
19 state's renewable energy goals and emission reduction targets as set
20 forth in the state energy plan adopted pursuant to section 6-104 of the
21 energy law; the contribution of the project to the state's housing goals
22 of increasing housing options including but not limited to affordable,
23 workforce, and senior housing; the likelihood of accomplishing the
24 proposed project in a timely fashion; and the extent to which the
25 proposed project will provide additional sources of revenue for munici-
26 palities and school districts; and any other public benefits that might
27 occur as a result of the project;

28 § 5. Paragraph (a) of subdivision 4 of section 874 of the general
29 municipal law, as amended by chapter 44 of the laws of 2025, is amended
30 to read as follows:

31 (a) The agency shall establish a uniform tax exemption policy, with
32 input from affected tax jurisdictions, which shall be applicable to the
33 provision of financial assistance pursuant to section eight hundred
34 fifty-nine-a of this title and shall provide guidelines for the claiming
35 of real property, mortgage recording, and sales tax exemptions. Such
36 guidelines shall include, but not be limited to: period of exemption;
37 percentage of exemption; types of projects for which exemptions can be
38 claimed; procedures for payments in lieu of taxes and instances in which
39 real property appraisals are to be performed as a part of an application
40 for tax exemption; in addition, agencies shall in adopting such policy
41 consider such issues as: the extent to which a project will create or
42 retain permanent, private sector jobs; the estimated value of any tax
43 exemptions to be provided; whether affected tax jurisdictions shall be
44 reimbursed by the project occupant if a project does not fulfill the
45 purposes for which an exemption was provided; the impact of a proposed
46 project on existing and proposed businesses and economic development
47 projects in the vicinity; the amount of private sector investment gener-
48 ated or likely to be generated by the proposed project; the demonstrated
49 public support for the proposed project; the likelihood of accomplishing
50 the proposed project in a timely fashion; the effect of the proposed
51 project upon the environment; the extent to which the project will
52 utilize, to the fullest extent practicable and economically feasible,
53 resource conservation, energy efficiency, green technologies, and alter-
54 native and renewable energy measures; the extent to which the project
55 will provide onsite child care services or otherwise facilitate new
56 child care services; the extent to which the project will bring addi-

1 tional housing units to the market; the extent to which the proposed
2 project will require the provision of additional services, including,
3 but not limited to additional educational, transportation, police, emer-
4 gency medical or fire services; and the extent to which the proposed
5 project will provide additional sources of revenue for municipalities
6 and school districts.

7 § 6. Subdivision 5 of section 1951 of the public authorities law, as
8 amended by chapter 907 of the laws of 1972, is amended to read as
9 follows:

10 5. The term "project" shall mean any land in one or more areas of the
11 city and any building, structure, facility or other improvement thereon,
12 including, but not limited to machinery and equipment and all real and
13 personal property deemed necessary in connection therewith, whether or
14 not now in existence or under construction, which shall be necessary or
15 suitable for manufacturing, warehousing, research, commercial, housing
16 or industrial purposes and which may include or mean an industrial
17 pollution control facility.

18 § 7. The opening paragraph of section 1953 of the public authorities
19 law, as amended by chapter 579 of the laws of 2021, is amended to read
20 as follows:

21 The purposes of the authority shall be to promote, develop, encourage
22 and assist in the acquiring, constructing, reconstructing, improving,
23 maintaining, equipping and furnishing industrial, manufacturing, ware-
24 house, commercial, housing and research facilities including industrial
25 pollution control facilities, transportation facilities including but
26 not limited to those relating to water, highway, rail and air, in one or
27 more areas of the city, particularly but not exclusively at the site of
28 what was formerly the Troy airport including an airstrip or airport
29 located in the southern section of the city and thereby advance the job
30 opportunities, health, general prosperity and economic welfare of the
31 people of said city and to improve their standard of living; provided,
32 however, that the authority shall not undertake any project if the
33 completion thereof would result in the removal of an industrial or manu-
34 facturing plant of the project occupant from one area of the state to
35 another area of the state or in the abandonment of one or more plants or
36 facilities of the project applicant located within the state, provided,
37 however, that neither restriction shall apply if the authority shall
38 determine on the basis of the application before it that the project is
39 reasonably necessary to discourage the project occupant from removing
40 such other plant or facility to a location outside the state or is
41 reasonably necessary to preserve the competitive position of the project
42 occupant in its respective industry. Except as otherwise provided for in
43 this section, no financial assistance of the authority shall be provided
44 in respect of any project where facilities or property that are primari-
45 ly used in making retail sales to customers who personally visit such
46 facilities constitute more than one-third of the total project cost. For
47 the purposes of this article, "retail sales" shall mean: (i) sales by a
48 registered vendor under article twenty-eight of the tax law primarily
49 engaged in the retail sale of tangible personal property, as defined in
50 subparagraph (i) of paragraph four of subdivision (b) of section eleven
51 hundred one of the tax law; or (ii) sales of a service to such custom-
52 ers. Except, however, that tourism destination projects shall not be
53 prohibited by this paragraph. For the purpose of this paragraph, "tour-
54 ism destination" shall mean a location or facility which is likely to
55 attract a significant number of visitors from outside the economic

1 development region as established by section two hundred thirty of the
2 economic development law in which the project is located.

3 § 8. Subdivision 1 of section 1963-a of the public authorities law, as
4 amended by chapter 44 of the laws of 2025, is amended to read as
5 follows:

6 1. The authority shall establish a uniform tax exemption policy, with
7 input from affected local taxing jurisdictions, which shall be applica-
8 ble to provisions of financial assistance pursuant to section nineteen
9 hundred fifty-three-a of this title and shall provide guidelines for the
10 claiming of real property, mortgage recording, and sales tax exemptions.
11 Such guidelines shall include, but not be limited to: period of
12 exemption; percentage of exemption; types of projects for which
13 exemptions can be claimed; procedures for payments in lieu of taxes and
14 instances in which real property appraisals are to be performed as a
15 part of an application for tax exemption; in addition, the authority in
16 adopting such policy shall consider such issues as: the extent to which
17 a project will create or retain permanent, private sector jobs; the
18 estimated value of any tax exemption to be provided; whether affected
19 tax jurisdictions should be reimbursed by the project occupant if a
20 project does not fulfill the purposes for which an exemption was
21 provided; the impact of a proposed project on existing and proposed
22 businesses and economic development projects in the vicinity; the amount
23 of private sector investment generated or likely to be generated by the
24 proposed project; the demonstrated public support for the proposed
25 project; the likelihood of accomplishing the proposed project in a time-
26 ly fashion; the effect of the proposed project upon the environment; the
27 extent to which the project will utilize, to the fullest extent practi-
28 cable and economically feasible, resource conservation, energy efficien-
29 cy, green technologies, and alternative and renewable energy measures;
30 the extent to which the project will provide onsite child care services
31 or otherwise facilitate new child care services; the extent to which the
32 project will bring additional housing units to the market; the extent to
33 which the proposed project will require the provision of additional
34 services, including, but not limited to additional educational, trans-
35 portation, police, emergency medical or fire services; and the extent to
36 which the proposed project will provide additional sources ~~[of]~~ of
37 revenue for municipalities and school districts.

38 § 9. Subdivision 5 of section 2302 of the public authorities law, as
39 amended by chapter 356 of the laws of 1993, is amended to read as
40 follows:

41 5. The term "project" shall mean any land in one or more areas of the
42 city and within or outside or partially within and partially outside the
43 city and any building, structure, facility or other improvement thereon,
44 including, but not limited to machinery and equipment and all real and
45 personal properties deemed necessary in connection therewith, whether or
46 not now in existence or under construction, which shall be necessary or
47 suitable for industrial, warehousing, research, housing or commercial
48 purposes, or for use by a federal agency or a medical facility and which
49 may include or mean an industrial pollution control facility or a civic
50 facility, provided, however, the authority shall not provide financial
51 assistance in respect of any project wholly or partially outside the
52 city provided, however, that the authority may provide financial assist-
53 ance for such a project where a portion of the project outside the city
54 is contiguous to a portion of the project located within the city if the
55 authority obtains the prior consent thereto by the governing body or

1 bodies of all the other cities, towns or villages in which a part or
2 parts of the project is, or is to be, located.

3 § 10. The opening paragraph of section 2306 of the public authorities
4 law, as amended by chapter 304 of the laws of 2013, is amended to read
5 as follows:

6 The purposes of the authority shall be to promote, develop, encourage
7 and assist in the acquiring, constructing, reconstructing, improving,
8 maintaining, equipping and furnishing industrial, manufacturing, ware-
9 house, commercial, housing, and research facilities and facilities for
10 use by a federal agency or a medical facility including industrial
11 pollution control facilities, which may include transportation facili-
12 ties including but not limited to those relating to water, highway, rail
13 and air, in one or more areas of the city, and thereby advance the job
14 opportunities, health, general prosperity and economic welfare of the
15 people of said city and to improve their medical care and standard of
16 living; provided, however, that the authority shall not undertake any
17 project if the completion thereof would result in the removal of an
18 industrial or manufacturing plant of the project occupant from one area
19 of the state to another area of the state or in abandonment of one or
20 more plants or facilities of the project applicant located within the
21 state, provided, however, that neither restriction shall apply if the
22 authority shall determine on the basis of the application before it that
23 the project is reasonably necessary to discourage the project occupant
24 from removing such other plant or facility to a location outside the
25 state or is reasonably necessary to preserve the competitive position of
26 the project occupant in its respective industry. Except as otherwise
27 provided for in this section, no financial assistance of the authority
28 shall be provided in respect of any project where facilities or property
29 that are primarily used in making retail sales to customers who
30 personally visit such facilities constitute more than one-third of the
31 total project cost. For the purposes of this article, "retail sales"
32 shall mean: (i) sales by a registered vendor under article twenty-eight
33 of the tax law primarily engaged in the retail sale of tangible personal
34 property, as defined in subparagraph (i) of paragraph four of subdivi-
35 sion (b) of section eleven hundred one of the tax law; or (ii) sales of
36 a service to such customers. Except, however, that tourism destination
37 projects shall not be prohibited by this paragraph. For the purpose of
38 this paragraph, "tourism destination" shall mean a location or facility
39 which is likely to attract a significant number of visitors from outside
40 the economic development region as established by section two hundred
41 thirty of the economic development law, in which the project is located.

42 § 11. Subdivision 1 of section 2315 of the public authorities law, as
43 amended by chapter 44 of the laws of 2025, is amended to read as
44 follows:

45 1. The authority shall establish a uniform tax exemption policy, with
46 input from affected local taxing jurisdictions, which shall be applica-
47 ble to provisions of financial assistance pursuant to section twenty-
48 three hundred seven of this title and shall provide guidelines for the
49 claiming of real property, mortgage recording, and sales tax exemptions.
50 Such guidelines shall include, but not be limited to: period of
51 exemption; percentage of exemption; types of projects for which
52 exemptions may be claimed; procedures for payments in lieu of taxes and
53 instances in which real property appraisals are to be performed as a
54 part of an application for tax exemption; in addition, the authority in
55 adopting such policy shall consider such issues as: the extent to which
56 a project will create or retain permanent, private sector jobs; the

1 estimated value of any tax exemption to be provided; whether affected
2 tax jurisdictions should be reimbursed by the project occupant if a
3 project does not fulfill the purposes for which an exemption was
4 provided; the impact of a proposed project on existing and proposed
5 businesses and economic development projects in the vicinity; the amount
6 of private sector investment generated or likely to be generated by the
7 proposed project; the demonstrated public support for the proposed
8 project; the likelihood of accomplishing the proposed project in a time-
9 ly fashion; the effect of the proposed project upon the environment; the
10 extent to which the project will utilize, to the fullest extent practi-
11 cable and economically feasible, resource conservation, energy efficien-
12 cy, green technologies, and alternative and renewable energy measures;
13 the extent to which the project will provide onsite child care services
14 or otherwise facilitate new child care services; the extent to which the
15 project will bring additional housing units to the market; the extent to
16 which the proposed project will require the provision of additional
17 services, including, but not limited to additional educational, trans-
18 portation, police, emergency medical or fire services; and the extent to
19 which the proposed project will provide additional sources of revenue
20 for municipalities and school districts.

21 § 12. This act shall take effect immediately.