

# STATE OF NEW YORK

4272--A

2025-2026 Regular Sessions

## IN SENATE

February 3, 2025

Introduced by Sen. KAVANAGH -- read twice and ordered printed, and when printed to be committed to the Committee on Cities 1 -- recommitted to the Committee on Cities 1 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 real property tax law, in relation to providing for a direct-pay tax abatement credit for solar electric generating systems and electric energy storage systems in connection with eligible buildings

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

1 Section 1. Section 499-bbbb of the real property tax law is amended by  
2 adding a new subdivision 5 to read as follows:

3 5. Notwithstanding any limitations or restrictions established within  
4 this section or any local law or resolution, any eligible building that  
5 is owned by a corporation, association, organization or trust described  
6 in section 501(c)(3) of the United States internal revenue code, incor-  
7 porated under article two, four, five, or eleven of the private housing  
8 finance law, or is an income-restricted affordable housing property,  
9 including but not limited to properties with regulatory agreements with  
10 the New York city department of housing preservation and development,  
11 New York city housing development corporation, New York state department  
12 of housing and community renewal, or the United States department of  
13 housing and urban development, shall be eligible for a direct-pay credit  
14 equal to the monetary value of the abatement as calculated in paragraph  
15 (f) of subdivision one of this section, provided, however, for the  
16 purposes of this subdivision, the monetary value of the abatement as  
17 calculated in paragraph (f) of subdivision one of this section shall not  
18 take into consideration the amount of taxes payable in such tax year.  
19 Such direct-pay credit shall be issued to the eligible building owner by

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

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1 the department of finance in the form of a check irrespective of the  
2 amount of taxes payable in such tax year.

3 § 2. The section heading and subdivisions 1, 4, 5 and 6 of section  
4 499-cccc of the real property tax law, the section heading and subdivi-  
5 sions 4, 5 and 6 as added by chapter 473 of the laws of 2008, subdivi-  
6 sion 1 as amended by chapter 485 of the laws of 2023, are amended to  
7 read as follows:

8 Application for tax abatement or direct-pay credit. 1. To obtain a tax  
9 abatement or direct-pay credit pursuant to this title, an applicant must  
10 file an application for tax abatement, which may be filed on or after  
11 January first, two thousand nine, and on or before January first, two  
12 thousand thirty-six.

13 4. An application for tax abatement or direct-pay credit shall be in  
14 any format prescribed by a designated agency, including electronic form.

15 5. An application for tax abatement or direct-pay credit shall be  
16 approved by a designated agency upon determining that the applicant has  
17 submitted proof acceptable to such agency that the requirements for  
18 obtaining a tax abatement or direct-pay credit pursuant to this title  
19 and the rules promulgated hereunder have been met. The burden of proof  
20 shall be on the applicant to show by clear and convincing evidence that  
21 the requirements for granting a tax abatement or direct-pay credit have  
22 been satisfied.

23 6. Upon notification from a designated agency that an application for  
24 tax abatement or direct-pay credit has been approved, the department of  
25 finance shall apply the tax abatement or direct-pay credit, provided  
26 there are no outstanding real estate taxes, water and sewer charges,  
27 payments in lieu of taxes or other municipal charges with respect to the  
28 eligible building.

29 § 3. This act shall take effect immediately.