

# STATE OF NEW YORK

7964

2025-2026 Regular Sessions

## IN SENATE

May 15, 2025

Introduced by Sen. HARCKHAM -- 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 and the environmental conservation law, in relation to incentivizing projects on certain Brownfield sites

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

1 Section 1. Subparagraph (A) of paragraph 3-a of subdivision (a) of  
2 section 21 of the tax law, as amended by section 18 of part BB of chap-  
3 ter 56 of the laws of 2015, is amended to read as follows:

4 (A) Notwithstanding any other provision of law to the contrary, the  
5 tangible property credit component available for any qualified site  
6 pursuant to paragraph three of this subdivision shall not exceed thir-  
7 ty-five million dollars or three times the sum of the costs included in  
8 the calculation of the site preparation credit component and the on-site  
9 groundwater remediation credit component under paragraphs two and four,  
10 respectively, of this subdivision, and the costs that would have been  
11 included in the calculation of such components if not treated as an  
12 expense and deducted pursuant to section one hundred ninety-eight of the  
13 internal revenue code, whichever is less; provided, however, that: (1)  
14 in the case of a qualified site to be used primarily for manufacturing  
15 activities, the tangible property credit component available for any  
16 qualified site pursuant to paragraph three of this subdivision shall not  
17 exceed forty-five million dollars or six times the sum of the costs  
18 included in the calculation of the site preparation credit component and  
19 the on-site groundwater remediation credit component under paragraphs  
20 two and four, respectively, of this subdivision, and the costs that  
21 would have been included in the calculation of such components if not  
22 treated as an expense and deducted pursuant to section one hundred nine-  
23 ty-eight of the internal revenue code, whichever is less; (2) in the  
24 case of a qualified project site, the tangible property credit component

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

LBD11896-01-5

1 available for any qualified site pursuant to paragraph three of this  
2 subdivision shall not exceed seventy million dollars or five times the  
3 sum of the costs included in the calculation of the site preparation  
4 credit component and the on-site groundwater remediation credit compo-  
5 nent under paragraphs two and four of this subdivision, respectively,  
6 and the costs that would have been included in the calculation of such  
7 components if not treated as an expense and deducted pursuant to section  
8 one hundred ninety-eight of the internal revenue code, whichever is  
9 less; and ~~(2)~~ (3) the provisions of this paragraph shall not apply to  
10 any qualified site for which the department of environmental conserva-  
11 tion has issued a notice to the taxpayer before June twenty-third, two  
12 thousand eight that its request for participation has been accepted  
13 under subdivision six of section 27-1407 of the environmental conserva-  
14 tion law.

15 § 2. Subdivision (b) of section 21 of the tax law is amended by adding  
16 a new paragraph 7 to read as follows:

17 (7) Qualified project site. The term "qualified project site" shall  
18 mean a qualified site, located in a city having a population of less  
19 than one hundred thousand, which meets all of the following criteria:

20 (A) at least fifty percent of the site is located in an environmental  
21 zone, a designated brownfield opportunity area, or a disadvantaged  
22 community as that term is defined in section 27-1405 of the environ-  
23 mental conservation law;

24 (B) one or more structures constructed on the site is physically  
25 connected to, or is within one-half mile of, a station for regular  
26 shared-ride transportation services open to the general public, includ-  
27 ing but not limited to an intercity bus station, a passenger rail  
28 station, an intermodal transportation station, or other station for  
29 modes of public transportation;

30 (C) In any building placed into service on a qualified project site  
31 which is primarily for residential use, either: (i) at least twenty-five  
32 percent of the residential units in the building are affordable units as  
33 defined in this paragraph; or (ii) at least twelve percent of the resi-  
34 dential units in the building are affordable units and the total number  
35 of affordable units relative to the total number of residential units  
36 for all buildings placed into service on the project or zoning develop-  
37 ment site as of the last day of the taxable year equals or exceeds twen-  
38 ty-five percent;

39 (D) In any building placed into service on a qualified project site  
40 which is for office use, (i) at least two affordable units per ten thou-  
41 sand square feet of office use shall be located on the project or zoning  
42 site and (ii) the total number of affordable units in all buildings in  
43 service on the project or zoning development site at any time before the  
44 last day of the taxable year equals or exceeds twenty-five percent of  
45 the total number of residential units in such buildings plus an addi-  
46 tional two affordable units for every ten thousand square feet of office  
47 space in the building being placed into service;

48 (E) The total project value for land, buildings, and construction-in-  
49 progress of improvements on the qualified site exceeds two hundred fifty  
50 million dollars at the end of each taxable year in which qualified  
51 tangible property is placed into service on the site, where "total  
52 project value" shall be the sum of the reported end of year balances for  
53 land, buildings and other assets without regard to depreciation, and  
54 other assets to the extent including construction or work in progress as  
55 set forth on the balance sheet included in the taxpayer's federal income  
56 tax return; and

1 (F) The department of environmental conservation has issued a notice  
2 to the taxpayer on or after January first, two thousand twenty-five that  
3 its request for participation with respect to the site has been accepted  
4 under subdivision six of section 27-1407 of the environmental conserva-  
5 tion law.

6 For purposes of this paragraph: (i) "station" means the portion of a  
7 property located appurtenant to a right-of-way on which one or more  
8 modes of public transportation may be operated, where such portion is  
9 used by the general public and is related to the provision of such  
10 transportation, and which may include passenger platforms, designated  
11 waiting areas, ticketing areas, restrooms, and ancillary services such  
12 as concession areas; (ii) "project or zoning development site" means all  
13 parcels or lots subject to an approved site plan which includes the  
14 qualified project site or sites; and (iii) "affordable units" means  
15 rental or for-sale residential units dedicated to tenants or homeowners  
16 at eighty percent of the area median income for the primary metropolitan  
17 statistical area or for the county if located outside of a metropolitan  
18 statistical area, as determined by the United States department of hous-  
19 ing and urban development or its successor for a family of four, as  
20 adjusted for family size.

21 Construction work for site remediation activities described in para-  
22 graphs (c), (d), and (f) of subdivision five of section 27-1405 of the  
23 environmental conservation law on a qualified project site shall be  
24 subject to prevailing wage requirements in accordance with sections two  
25 hundred twenty and two hundred twenty-b of the labor law; provided  
26 however that prevailing wage requirements shall not apply to work  
27 performed under a project labor agreement ("PLA") between an owner or  
28 contractor and a bona fide building and construction trade labor organ-  
29 ization which has established itself as the collective bargaining repre-  
30 sentative for all persons who will perform work on such a project, and  
31 which provides that only contractors and subcontractors who sign a PLA  
32 with the labor organization can perform work on such a project under a  
33 PLA between an owner or contractor and a bona fide building and  
34 construction trade labor organization. The PLA shall require forty  
35 percent of full-time equivalent positions receive wages equivalent to  
36 prevailing wage. The enforcement of the prevailing wage requirements if  
37 applicable to a qualified project site shall be subject to the require-  
38 ments of sections two hundred twenty, two hundred twenty-a, two hundred  
39 twenty-b, two hundred twenty-i, two hundred twenty-three, two hundred  
40 twenty-four-b, and two hundred twenty-seven of the labor law and within  
41 the jurisdiction of the fiscal officer as defined in section two hundred  
42 twenty of the labor law.

43 § 3. The opening paragraph of subdivision 3 of section 27-1419 of the  
44 environmental conservation law, as amended by section 10 of part BB of  
45 chapter 56 of the laws of 2015, is amended to read as follows:

46 Upon receipt of the final engineering report, the department shall  
47 review such report and the data submitted pursuant to the brownfield  
48 site cleanup agreement as well as any other relevant information regard-  
49 ing the brownfield site. Upon satisfaction of the commissioner that the  
50 remediation requirements set forth in this title have been or will be  
51 achieved in accordance with the timeframes, if any, established in the  
52 remedial work plan, the commissioner shall issue a written certificate  
53 of completion. The certificate shall include such information as deter-  
54 mined by the department of taxation and finance, including but not  
55 limited to the brownfield site boundaries included in the final engi-  
56 neering report, the date of the brownfield site cleanup agreement, and

1 the applicable percentages available as of the date of the certificate  
2 of completion for that site for purposes of section twenty-one of the  
3 tax law. For those sites for which the department has issued a notice to  
4 the applicant on or after July first, two thousand fifteen or the date  
5 of publication in the state register of proposed regulations defining  
6 "underutilized" as provided in subdivision thirty of section 27-1405 of  
7 this title, whichever shall be later, that its request for participation  
8 has been accepted under subdivision six of section 27-1407 of this  
9 title, the tangible property credit component of the brownfield redevelop-  
10 ment tax credit pursuant to paragraph three of subdivision (a) of  
11 section twenty-one of the tax law shall only be available to the taxpay-  
12 er if the criteria for receiving such tax credit component have been  
13 met. For those sites for which the department has issued a notice to the  
14 taxpayer after June twenty-third, two thousand eight that its request  
15 for participation has been accepted under subdivision six of section  
16 27-1407 of this title, the applicable percentage for the site prepara-  
17 tion credit component pursuant to paragraph two of subdivision (a) of  
18 section twenty-one of the tax law, and the on-site groundwater remedi-  
19 ation credit component pursuant to paragraph four of subdivision (a) of  
20 section twenty-one of the tax law shall be based on the level of cleanup  
21 achieved pursuant to subdivision four of section 27-1415 of this title  
22 and the level of cleanup of soils to contaminant-specific soil cleanup  
23 objectives promulgated pursuant to subdivision six of section 27-1415 of  
24 this title, up to a maximum of [~~fifty~~] seventy-five percent, as follows:  
25 § 4. This act shall take effect immediately.