

STATE OF NEW YORK

8063

2025-2026 Regular Sessions

IN SENATE

May 15, 2025

Introduced by Sen. GOUNARDES -- read twice and ordered printed, and when printed to be committed to the Committee on Cities 1

AN ACT to amend the general city law, chapter 772 of the laws of 1966, relating to enabling any city having a population of one million or more to raise tax revenue, and the administrative code of the city of New York, in relation to authorizing credits for relocation and employment assistance and making available relocation assistance credits per employees

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

1 Section 1. The opening paragraph of subdivision (b) of section 25-z of
2 the general city law, as amended by section 1 of part RR of chapter 56
3 of the laws of 2020, is amended to read as follows:
4 No eligible business shall be authorized to receive a credit under any
5 local law enacted pursuant to this article until the premises with
6 respect to which it is claiming the credit meet the requirements in the
7 definition of eligible premises and until it has obtained a certifi-
8 cation of eligibility from the mayor of such city or an agency desig-
9 nated by such mayor, and an annual certification from such mayor or an
10 agency designated by such mayor as to the number of eligible aggregate
11 employment shares maintained by such eligible business that may qualify
12 for obtaining a tax credit for the eligible [~~business'~~ business's tax-
13 able year. Any written documentation submitted to such mayor or such
14 agency or agencies in order to obtain any such certification shall be
15 deemed a written instrument for purposes of section 175.00 of the penal
16 law. Such local law may provide for application fees to be determined by
17 such mayor or such agency or agencies. No such certification of eligi-
18 bility shall be issued under any local law enacted pursuant to this
19 article to an eligible business on or after July first, two thousand
20 [~~twenty-five~~ thirty unless:

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

LBD13062-01-5

§ 2. The general city law is amended by adding a new article 2-K to read as follows:

ARTICLE 2-K

RELOCATION ASSISTANCE CREDIT PER EMPLOYEE

Section 25-ff. Definitions.

25-gg. Relocation assistance credit per employee.

§ 25-ff. Definitions. When used in this article, the following terms shall have the following meanings:

(a) "Aggregate employment shares" means the sum of all employment shares maintained by an eligible business in a taxable year.

(b) "Eligible aggregate employment shares" means, in the case of an eligible business, the amount, if any, of aggregate employment shares maintained by an eligible business in eligible premises in the taxable year in which such eligible business claims a credit pursuant to a local law enacted in accordance with section twenty-five-gg of this article; provided, however, that:

(1) such amount shall not exceed the lesser of:

(i) the number of aggregate employment shares maintained by such eligible business in eligible premises in the taxable year during which such eligible business relocates;

(ii) the maximum approved employment shares for such eligible business; or

(iii) an amount equal to the product of multiplying the aggregate employment shares and the linear scalar for such eligible business in such tax year; and

(2) a full-time work week or part-time work week at eligible premises prior to the date of relocation shall not be taken into account in determining eligible aggregate employment shares.

(c) "Eligible business" means any person subject to a tax imposed under a local law enacted pursuant to part two or three of section one, or section two of chapter seven hundred seventy-two of the laws of nineteen hundred sixty-six that:

(1) has been conducting substantial business operations at one or more business locations outside of New York state for the twenty-four consecutive months immediately preceding the taxable year during which such eligible business relocates but has not maintained employment shares at premises in New York state at any time during the period beginning January first, two thousand twenty-five and ending on the date such business enters into a lease or a contract to purchase the premises that will qualify as eligible premises pursuant to this article; and

(2) on or after July first, two thousand twenty-five relocates all or part of such business operations.

(d) "Eligible premises" means one or more non-residential premises that consist of at least twenty thousand square feet that are:

(1) wholly contained in real property located in a city with a population of one million or more; and

(2) for which final certificates of occupancy were issued prior to January first, two thousand.

(e) "Employment share" means, for each employee, partner or sole proprietor of an eligible business, the sum of: (1) the number of full-time work weeks worked by such employee, partner or sole proprietor during the eligible business's taxable year divided by the number of weeks in the taxable year; and (2) the number of part-time work weeks worked by such employee, partner or sole proprietor during the eligible business's taxable year divided by an amount equal to twice the number of weeks in the taxable year. Employment share shall not include full-

1 time or part-time work weeks attributable to employees, partners or sole
2 proprietors acquired by an eligible business as a result of a merger
3 with, acquisition of another person, or a transaction having a compara-
4 ble effect, that occurs after June thirtieth, two thousand twenty-five,
5 and before the end of the taxable year in which a credit is claimed by
6 such eligible business pursuant to a local law enacted in accordance
7 with section twenty-five-gg of this article, or to successors, if any,
8 to those employees, partners or sole proprietors.

9 (f) "Full-time work week" means a week during which at least thirty-
10 five hours of gainful work has been performed by an employee, partner or
11 sole proprietor.

12 (g) "Hotel services" means any services that consist predominately of
13 the lodging of guests at a building or a portion thereof that is regu-
14 larly used and kept open for such services. Hotel services shall include
15 the lodging of guests at an apartment hotel, a motel, boarding house or
16 club, whether or not meals are served.

17 (h) "Linear scalar" means, for an eligible business in a taxable year
18 in which a credit is claimed pursuant to a local law enacted in accord-
19 ance with section twenty-five-gg of this article, the quotient of divid-
20 ing the total square footage of an eligible premises by the product of
21 multiplying two hundred fifty by such business's aggregate employment
22 shares.

23 (i) "Maximum approved employment shares" means a limitation on the
24 aggregate employment shares that an eligible business may receive in any
25 taxable year determined by the mayor pursuant to a local law enacted in
26 accordance with section twenty-five-gg of this article based on documen-
27 tation submitted by such business demonstrating such business's inten-
28 tion to relocate. The maximum approved employment shares is the number
29 of aggregate employment shares such business intends to relocate as
30 indicated by the mayor on the applicable initial certification of eligi-
31 bility.

32 (j) "Mayor" means the mayor of a city having a population of one
33 million or more, or an agency of such city as designated by such mayor.

34 (k) "Part-time work week" means a week during which at least fifteen
35 but less than thirty-five hours of gainful work has been performed by an
36 employee, partner or sole proprietor.

37 (l) "Person" includes any individual, partnership, association, joint-
38 stock company, corporation, estate or trust, limited liability company,
39 and any combination of the foregoing.

40 (m) "Program total" means the sum of maximum approved aggregate
41 employment shares included in all initial certification of eligibility
42 issued by the mayor.

43 (n) "Relocate" means, with respect to an eligible business, to trans-
44 fer a pre-existing business operation to an eligible premises, or to
45 establish a new business operation at such premises, provided that an
46 eligible business shall not be deemed to have relocated unless at least
47 one employee, partner or sole proprietor of the eligible business is
48 transferred to such premises from a pre-existing business operation
49 conducted outside the state of New York. The date of relocation shall be
50 the first day on which the individual so transferred commences work at
51 such eligible premises. The taxable year of relocation shall be the
52 taxable year in which the date of relocation occurs. For purposes of
53 this article, an eligible business may relocate only once but may add or
54 substitute other eligible premises throughout such period.

55 (o) "Retail activity" means any activity which consists predominately
56 of:

1 (1) the sale, other than through the mail or by the telephone or by
2 means of the internet, of tangible personal property to a person, for
3 any purpose unrelated to the trade or business of such person;

4 (2) the selling of a service to an individual which generally involves
5 the physical, mental or spiritual care of such individual;

6 (3) the physical care of the personal property of any person unrelated
7 to the trade or business of such person; or

8 (4) the provision of a retail banking service.

9 § 25-gg. Relocation assistance credit per employee. (a) Any city
10 having a population of one million or more is hereby authorized and
11 empowered to adopt and amend a local law allowing an eligible business
12 that relocates to receive a credit against a tax imposed under a local
13 law enacted pursuant to part two or three of section one or section two
14 of chapter seven hundred seventy-two of the laws of nineteen hundred
15 sixty-six. The amount of such credit shall be determined by multiplying
16 five thousand dollars by the number of eligible aggregate employment
17 shares maintained by the taxpayer during the taxable year with respect
18 to eligible premises to which the taxpayer has relocated, and may be
19 taken, pursuant to the provisions of section four-j of part two of
20 section one, or subdivision (1) of section one hundred one of section
21 two of chapter seven hundred seventy-two of the laws of nineteen hundred
22 sixty-six, for up to eleven consecutive taxable years beginning with the
23 taxable year in which the eligible business relocates, provided that no
24 such credit shall be allowed for the relocation of any retail activity
25 or hotel services.

26 (b) No eligible business shall be authorized to receive a credit
27 against tax under any local law enacted pursuant to this article unless
28 the premises with respect to which it is claiming the credit are eligi-
29 ble premises and until it has obtained an initial certification of
30 eligibility from the mayor of such city and an annual certification from
31 such mayor as to the number of eligible aggregate employment shares
32 maintained by such eligible business that may qualify for obtaining a
33 tax credit for the eligible business's taxable year. Each initial
34 certification of eligibility shall include the maximum approved employ-
35 ment shares for the eligible business, which shall not exceed five
36 hundred employment shares. Any written documentation submitted to such
37 mayor in order to obtain any such certification shall be deemed a writ-
38 ten instrument for purposes of section 175.00 of the penal law. Such
39 local law may provide for an application fee for such certification to
40 be determined by such mayor. No initial certification of eligibility
41 shall be issued under any local law enacted pursuant to this article to
42 an eligible business on or after July first, two thousand twenty-eight
43 unless:

44 (1) prior to such date, such business has purchased, leased or entered
45 into a contract to purchase or lease eligible premises;

46 (2) prior to such date, such business submits a preliminary applica-
47 tion for an initial certification of eligibility to such mayor with
48 respect to a proposed relocation to such premises;

49 (3) such business enters into a lease or contract to purchase an
50 eligible premises between the date that such business submits such
51 preliminary application and three months thereafter; and

52 (4) such business relocates to such premises not later than thirty-six
53 months from the date of submission of such preliminary application.

54 (c) Notwithstanding any provision of law to the contrary, such mayor
55 shall not issue an initial certification of eligibility that would cause
56 the program total to exceed three thousand maximum approved employment

1 shares. Such mayor shall approve applications on a first-come, first-
2 serve basis among eligible businesses in accordance with rules promul-
3 gated pursuant to a local law authorized by subdivision (d) of this
4 section. Such mayor shall include on such mayor's website an indication
5 regarding whether the program total has reached three thousand maximum
6 approved employment shares.

7 (d) Such mayor shall be authorized to promulgate rules and regulations
8 to administer and ensure compliance with the provisions of this article,
9 including but not limited to rules and regulations to provide for alter-
10 native methods to measure employment shares in instances where an eligi-
11 ble business is not required by law to maintain weekly records of full-
12 time work weeks and part-time work weeks of employees, partners or sole
13 proprietors.

14 (e) For the duration of the benefit period, the recipient of a credit
15 pursuant to a local law enacted in accordance with this article shall
16 file an application for an annual certification each year demonstrating
17 such recipient's eligibility for such credit and the average wage and
18 benefits offered to the applicable relocated employees used in determin-
19 ing eligible aggregate employment shares. Such mayor shall have the
20 authority to require that statements filed under this subdivision be
21 filed electronically and that such statements be certified.

22 (f) The business services agency of a city that adopts a local law
23 pursuant to this article may require in a contract with a not-for-profit
24 corporation that provides economic development services for such city
25 that such corporation will provide administrative support to such mayor
26 and assist such mayor's review of any initial certification of eligibil-
27 ity or annual certification, and provide recommendations regarding the
28 approval of any credit pursuant to a local law enacted in accordance
29 with this article.

30 § 3. Part II of section 1 of chapter 772 of the laws of 1966, relating
31 to enabling any city having a population of one million or more to raise
32 tax revenue, is amended by adding a new section 4-j to read as follows:

33 § 4-j. Relocation assistance credit per employee. (1) In addition to
34 any other credit allowed by this part other than a credit allowed by
35 section four-h of this part, a taxpayer that has obtained the certif-
36 ications in accordance with subdivision (b) of section twenty-five-gg of
37 the general city law shall be allowed a credit against the tax imposed
38 by this part. The amount of the credit shall be the amount determined
39 by multiplying five thousand dollars by the number of eligible aggregate
40 employment shares maintained by the taxpayer during the taxable year
41 with respect to eligible premises to which the taxpayer has relocated;
42 provided, however, that no credit shall be allowed for the relocation of
43 any retail activity or hotel services. For purposes of this section, the
44 terms "eligible aggregate employment shares", "eligible premises",
45 "relocate", "retail activity" and "hotel services" shall have the mean-
46 ings ascribed by section twenty-five-ff of the general city law.

47 (2) The credit allowed under this section with respect to eligible
48 aggregate employment shares maintained with respect to eligible premises
49 to which the taxpayer has relocated shall be allowed for the taxable
50 year of the relocation and for any of the ten succeeding taxable years
51 during which eligible aggregate employment shares are maintained with
52 respect to eligible premises; provided that the credit allowed for the
53 tenth succeeding taxable year shall be calculated by multiplying the
54 number of eligible aggregate employment shares maintained with respect
55 to eligible premises in the tenth succeeding taxable year by the lesser
56 of one and a fraction the numerator of which is such number of days in

1 the taxable year of relocation less the number of days the eligible
2 business maintained employment shares in eligible premises in the taxa-
3 ble year of relocation and the denominator of which is the number of
4 days in such tenth taxable year during which such eligible aggregate
5 employment shares are maintained with respect to such premises.

6 (3) Except as provided in subdivision four of this section, if the
7 amount of the credit allowable under this section for any taxable year
8 exceeds the tax imposed for such year, the excess may be carried over,
9 in order, to the five immediately succeeding taxable years and, to the
10 extent not previously deductible, may be deducted from the taxpayer's
11 tax for such years.

12 (4) The credits allowed under this section, against the tax imposed by
13 this chapter for the taxable year of the relocation and for the four
14 taxable years immediately succeeding the taxable year of such relo-
15 cation, shall be deemed to be overpayments of tax by the taxpayer to be
16 credited or refunded, without interest, in accordance with the
17 provisions of section seventy-seven of this title. For such taxable
18 years, such credits or portions thereof may not be carried over to any
19 succeeding taxable year.

20 (5) The credit allowed under this section shall be deducted prior to
21 the deduction of any other credit allowed by this part.

22 § 4. Section 101 of section 2 of chapter 772 of the laws of 1966,
23 relating to enabling any city having a population of one million or more
24 to raise tax revenue, is amended by adding a new subdivision (1) to read
25 as follows:

26 (1) Relocation assistance credit per employee. (1) In addition to any
27 other credit allowed by this part other than a credit allowed by subdivi-
28 vision (j) of this section, a taxpayer that has obtained the certif-
29 ications in accordance with subdivision (b) of section twenty-five-gg of
30 the general city law shall be allowed a credit against the tax imposed
31 by this part. The amount of the credit shall be the amount determined by
32 multiplying five thousand dollars by the number of eligible aggregate
33 employment shares maintained by the taxpayer during the taxable year
34 with respect to eligible premises to which the taxpayer has relocated;
35 provided, however, that no credit shall be allowed for the relocation of
36 any retail activity or hotel services. For purposes of this subdivision,
37 the terms "eligible aggregate employment shares", "eligible premises",
38 "relocate", "retail activity" and "hotel services" shall have the mean-
39 ings ascribed by section twenty-five-ff of the general city law.

40 (2) The credit allowed under this subdivision with respect to eligible
41 aggregate employment shares maintained with respect to eligible premises
42 to which the taxpayer has relocated shall be allowed for the taxable
43 year of the relocation and for any of the ten succeeding taxable years
44 during which eligible aggregate employment shares are maintained with
45 respect to eligible premises; provided that the credit allowed for the
46 tenth succeeding taxable year shall be calculated by multiplying the
47 number of eligible aggregate employment shares maintained with respect
48 to eligible premises in the tenth succeeding taxable year by the lesser
49 of one and a fraction the numerator of which is such number of days in
50 the taxable year of relocation less the number of days the eligible
51 business maintained employment shares in eligible premises in the taxa-
52 ble year of relocation and the denominator of which is the number of
53 days in such tenth succeeding taxable year during which such eligible
54 aggregate employment shares are maintained with respect to such prem-
55 ises.

1 (3) Except as provided in paragraph four of this subdivision, if the
2 amount of the credit allowable under this subdivision for any taxable
3 year exceeds the tax imposed for such year, the excess may be carried
4 over, in order, to the five immediately succeeding taxable years and, to
5 the extent not previously deductible, may be deducted from the taxpay-
6 er's tax for such years.

7 (4) The credits allowed under this subdivision, against the tax
8 imposed by this chapter for the taxable year of the relocation and for
9 the four taxable years immediately succeeding the taxable year of such
10 relocation, shall be deemed to be overpayments of tax by the taxpayer to
11 be credited or refunded, without interest, in accordance with the
12 provisions of section seventy-seven of this title. For such taxable
13 years, such credits or portions thereof may not be carried over to any
14 succeeding taxable year.

15 (5) The credit allowable under this subdivision shall be deducted
16 after the credits allowed by subdivision (b) of this section, but prior
17 to the deduction of any other credit allowed by this section.

18 § 5. Section 11-503 of the administrative code of the city of New York
19 is amended by adding a new subdivision (r) to read as follows:

20 (r) Relocation assistance credit per employee. (1) In addition to any
21 other credit allowed by this section other than a credit allowed by
22 subdivision (i) of this section, a taxpayer that has obtained the
23 certifications required by chapter six-E of title twenty-two of this
24 code shall be allowed a credit against the tax imposed by this chapter.
25 The amount of the credit shall be the amount determined by multiplying
26 five thousand dollars by the number of eligible aggregate employment
27 shares maintained by the taxpayer during the taxable year with respect
28 to eligible premises to which the taxpayer has relocated; provided,
29 however, that no credit shall be allowed for the relocation of any
30 retail activity or hotel services. For purposes of this subdivision, the
31 terms "eligible aggregate employment shares", "eligible premises",
32 "relocate", "retail activity" and "hotel services" shall have the mean-
33 ings ascribed by section 22-627 of this code.

34 (2) The credit allowed under this subdivision with respect to eligible
35 aggregate employment shares maintained with respect to eligible premises
36 to which the taxpayer has relocated shall be allowed for the taxable
37 year of the relocation and for any of the ten succeeding taxable years
38 during which eligible aggregate employment shares are maintained with
39 respect to eligible premises; provided that the credit allowed for the
40 tenth succeeding taxable year shall be calculated by multiplying the
41 number of eligible aggregate employment shares maintained with respect
42 to eligible premises in the tenth succeeding taxable year by the lesser
43 of one and a fraction the numerator of which is such number of days in
44 the taxable year of relocation less the number of days the taxpayer
45 maintained employment shares in eligible premises in the taxable year of
46 relocation and the denominator of which is the number of days in such
47 tenth succeeding taxable year during which such eligible aggregate
48 employment shares are maintained with respect to such premises.

49 (3) Except as provided in paragraph four of this subdivision, if the
50 amount of the credit allowable under this subdivision for any taxable
51 year exceeds the tax imposed for such year, the excess may be carried
52 over, in order, to the five immediately succeeding taxable years and, to
53 the extent not previously deductible, may be deducted from the taxpay-
54 er's tax for such years.

55 (4) The credits allowed under this subdivision, against the tax
56 imposed by this chapter for the taxable year of the relocation and for

1 the four taxable years immediately succeeding the taxable year of such
2 relocation, shall be deemed to be overpayments of tax by the taxpayer to
3 be credited or refunded, without interest, in accordance with the
4 provisions of section 11-526 of this title. For such taxable years, such
5 credits or portions thereof may not be carried over to any succeeding
6 taxable year.

7 (5) The credit allowable under this subdivision shall be deducted
8 after the credits allowed by subdivisions (b) and (j) of this section,
9 but prior to the deduction of any other credit allowed by this section.

10 § 6. Section 11-604 of the administrative code of the city of New York
11 is amended by adding a new subdivision 24 to read as follows:

12 24. Relocation assistance credit per employee. (a) In addition to any
13 other credit allowed by this section other than a credit allowed by
14 subdivision seventeen of this section, a taxpayer that has obtained the
15 certifications required by chapter six-E of title twenty-two of this
16 code shall be allowed a credit against the tax imposed by this chapter.
17 The amount of the credit shall be the amount determined by multiplying
18 five thousand dollars by the number of eligible aggregate employment
19 shares maintained by the taxpayer during the taxable year with respect
20 to eligible premises to which the taxpayer has relocated; provided,
21 however, that no credit shall be allowed for the relocation of any
22 retail activity or hotel services. For purposes of this subdivision, the
23 terms "eligible aggregate employment shares", "eligible premises",
24 "relocate", "retail activity" and "hotel services" shall have the mean-
25 ings ascribed by section 22-627 of this code.

26 (b) The credit allowed under this subdivision with respect to eligible
27 aggregate employment shares maintained with respect to eligible premises
28 to which the taxpayer has relocated shall be allowed for the taxable
29 year of the relocation and for any of the ten succeeding taxable years
30 during which eligible aggregate employment shares are maintained with
31 respect to eligible premises; provided that the credit allowed for the
32 tenth succeeding taxable year shall be calculated by multiplying the
33 number of eligible aggregate employment shares maintained with respect
34 to eligible premises in the tenth succeeding taxable year by the lesser
35 of one and a fraction the numerator of which is such number of days in
36 the taxable year of relocation less the number of days the taxpayer
37 maintained employment shares in eligible premises in the taxable year of
38 relocation and the denominator of which is the number of days in such
39 tenth taxable year during which such eligible aggregate employment
40 shares are maintained with respect to such premises.

41 (c) Except as provided in paragraph (d) of this subdivision, if the
42 amount of the credit allowable under this subdivision for any taxable
43 year exceeds the tax imposed for such year, the excess may be carried
44 over, in order, to the five immediately succeeding taxable years and, to
45 the extent not previously deductible, may be deducted from the taxpay-
46 er's tax for such years.

47 (d) The credits allowed under this subdivision, against the tax
48 imposed by this chapter for the taxable year of the relocation and for
49 the four taxable years immediately succeeding the taxable year of such
50 relocation, shall be deemed to be overpayments of tax by the taxpayer to
51 be credited or refunded, without interest, in accordance with the
52 provisions of section 11-677 of this chapter. For such taxable years,
53 such credits or portions thereof may not be carried over to any succeed-
54 ing taxable year.

(e) The credit allowable under this subdivision shall be deducted after the credit allowed by subdivision eighteen of this section, but prior to the deduction of any other credit allowed by this section.

§ 7. The administrative code of the city of New York is amended by adding a new section 11-643.10 to read as follows:

§ 11-643.10 Relocation assistance credit per employee. (a) In addition to any other credit allowed by this part other than a credit allowed by section 11-643.7 of this part, a taxpayer that has obtained the certifications required by chapter six-E of title twenty-two of this code shall be allowed a credit against the tax imposed by this part. The amount of the credit shall be the amount determined by multiplying five thousand dollars by the number of eligible aggregate employment shares maintained by the taxpayer during the taxable year with respect to eligible premises to which the taxpayer has relocated; provided, however, that no credit shall be allowed for the relocation of any retail activity or hotel services. For purposes of this section, the terms "eligible aggregate employment shares", "eligible premises", "relocate", "retail activity" and "hotel services" shall have the meanings ascribed by section 22-627 of this code.

(b) The credit allowed under this section with respect to eligible aggregate employment shares maintained with respect to eligible premises to which the taxpayer has relocated shall be allowed for the taxable year of the relocation and for any of the ten succeeding taxable years during which eligible aggregate employment shares are maintained with respect to eligible premises; provided that the credit allowed for the tenth succeeding taxable year shall be calculated by multiplying the number of eligible aggregate employment shares maintained with respect to eligible premises in the tenth succeeding taxable year by the lesser of one and a fraction the numerator of which is such number of days in the taxable year of relocation less the number of days the taxpayer maintained employment shares in eligible premises in the taxable year of relocation and the denominator of which is the number of days in such tenth succeeding taxable year during which such eligible aggregate employment shares are maintained with respect to such premises.

(c) Except as provided in subdivision (d) of this section, if the amount of the credit allowable under this section for any taxable year exceeds the tax imposed for such year, the excess may be carried over, in order, to the five immediately succeeding taxable years and, to the extent not previously deductible, may be deducted from the taxpayer's tax for such years.

(d) The credits allowed under this section, against the tax imposed by this chapter for the taxable year of the relocation and for the four taxable years immediately succeeding the taxable year of such relocation, shall be deemed to be overpayments of tax by the taxpayer to be credited or refunded, without interest, in accordance with the provisions of section 11-677 of this chapter. For such taxable years, such credits or portions thereof may not be carried over to any succeeding taxable year.

(e) The credit allowable under this section shall be deducted prior to the deduction of any other credit allowed by this part.

§ 8. Section 11-654 of the administrative code of the city of New York is amended by adding a new subdivision 24 to read as follows:

24. Relocation assistance credit per employee. (a) In addition to any other credit allowed by this section other than a credit allowed by subdivision seventeen of this section, a taxpayer that has obtained the certifications required by chapter six-E of title twenty-two of this

code shall be allowed a credit against the tax imposed by this subchapter. The amount of the credit shall be the amount determined by multiplying five thousand dollars by the number of eligible aggregate employment shares maintained by the taxpayer during the taxable year with respect to eligible premises to which the taxpayer has relocated; provided, however, that no credit shall be allowed for the relocation of any retail activity or hotel services. For purposes of this subdivision, the terms "eligible aggregate employment shares", "eligible premises", "relocate", "retail activity" and "hotel services" shall have the meanings ascribed by section 22-627 of this code.

(b) The credit allowed under this subdivision with respect to eligible aggregate employment shares maintained with respect to eligible premises to which the taxpayer has relocated shall be allowed for the taxable year of the relocation and for any of the ten succeeding taxable years during which eligible aggregate employment shares are maintained with respect to eligible premises; provided that the credit allowed for the tenth succeeding taxable year shall be calculated by multiplying the number of eligible aggregate employment shares maintained with respect to eligible premises in the tenth succeeding taxable year by the lesser of one and a fraction the numerator of which is such number of days in the taxable year of relocation less the number of days the taxpayer maintained employment shares in eligible premises in the taxable year of relocation and the denominator of which is the number of days in such tenth taxable year during which such eligible aggregate employment shares are maintained with respect to such premises.

(c) Except as provided in paragraph (d) of this subdivision, if the amount of the credit allowable under this subdivision for any taxable year exceeds the tax imposed for such year, the excess may be carried over, in order, to the five immediately succeeding taxable years and, to the extent not previously deductible, may be deducted from the taxpayer's tax for such years.

(d) The credits allowed under this subdivision, against the tax imposed by this chapter for the taxable year of the relocation and for the four taxable years immediately succeeding the taxable year of such relocation, shall be deemed to be overpayments of tax by the taxpayer to be credited or refunded, without interest, in accordance with the provisions of section 11-677 of this chapter. For such taxable years, such credits or portions thereof may not be carried over to any succeeding taxable year.

(e) The credit allowable under this subdivision shall be deducted after the credit allowed by subdivision eighteen of this section, but prior to the deduction of any other credit allowed by this section.

§ 9. The opening paragraph of subdivision (b) of section 22-622 of the administrative code of the city of New York, as amended by section 3 of part RR of chapter 56 of the laws of 2020, is amended to read as follows:

No eligible business shall be authorized to receive a credit against tax or a reduction in base rent subject to tax under the provisions of this chapter, and of title eleven of the code as described in subdivision (a) of this section, until the premises with respect to which it is claiming the credit meet the requirements in the definition of eligible premises and until it has obtained a certification of eligibility from the mayor or an agency designated by the mayor, and an annual certification from the mayor or an agency designated by the mayor as to the number of eligible aggregate employment shares maintained by such eligible business that may qualify for obtaining a tax credit for the eligi-

ble [~~business~~] business's taxable year. Any written documentation submitted to the mayor or such agency or agencies in order to obtain any such certification shall be deemed a written instrument for purposes of section 175.00 of the penal law. Application fees for such certifications shall be determined by the mayor or such agency or agencies. No certification of eligibility shall be issued to an eligible business on or after July first, two thousand [~~twenty-five~~] thirty unless:

§ 10. Title 22 of the administrative code of the city of New York is amended by adding a new chapter 6-E to read as follows:

CHAPTER 6-E
RELOCATION ASSISTANCE CREDIT PER EMPLOYEE

Section 22-627 Definitions.

22-628 Authorization to provide relocation assistance credit per employee.

§ 22-627 Definitions. When used in this chapter, the following terms shall have the following meanings:

(a) "Aggregate employment shares" means the sum of all employment shares maintained by an eligible business in a taxable year.

(b) "Eligible aggregate employment shares" means, in the case of an eligible business, the amount, if any, of aggregate employment shares maintained by an eligible business in eligible premises in the taxable year in which such eligible business claims a credit pursuant to section 22-628 of this chapter; provided, however, that:

(1) such amount shall not exceed the lesser of:

(i) the number of aggregate employment shares maintained by such eligible business in eligible premises in the taxable year during which such eligible business relocates;

(ii) the maximum approved employment shares for such eligible business; or

(iii) an amount equal to the product of multiplying the aggregate employment shares and the linear scalar for such eligible business in such tax year; and

(2) a full-time work week or part-time work week at eligible premises prior to the date of relocation shall not be taken into account in determining eligible aggregate employment shares.

(c) "Eligible business" means any person subject to a tax imposed under chapter five, subchapter two, three or three-A of chapter six of title eleven of this code, that:

(1) has been conducting substantial business operations at one or more business locations outside of New York state for the twenty-four consecutive months immediately preceding the taxable year during which such eligible business relocates but has not maintained employment shares at premises in New York state at any time during the period beginning January first, two thousand twenty-five and ending on the date such business enters into a lease or a contract to purchase the premises that will qualify as eligible premises pursuant to this chapter; and

(2) on or after July first, two thousand twenty-five relocates all or part of such business operations.

(d) "Eligible premises" means one or more non-residential premises that consist of at least twenty thousand square feet that are:

(1) wholly contained in real property located in the city of New York; and

(2) for which final certificates of occupancy were issued prior to January first, two thousand.

(e) "Employment share" means, for each employee, partner or sole proprietor of an eligible business, the sum of: (1) the number of full-time work weeks worked by such employee, partner or sole proprietor during the eligible business's taxable year divided by the number of weeks in the taxable year; and (2) the number of part-time work weeks worked by such employee, partner or sole proprietor during the eligible business's taxable year divided by an amount equal to twice the number of weeks in the taxable year. Employment share shall not include full-time or part-time work weeks attributable to employees, partners or sole proprietors acquired by an eligible business as a result of a merger with, acquisition of another person, or a transaction having a comparable effect, that occurs after June thirtieth, two thousand twenty-five, and before the end of the taxable year in which a credit is claimed by such eligible business pursuant to this section, or to successors, if any, to those employees, partners or sole proprietors.

(f) "Full-time work week" means a week during which at least thirty-five hours of gainful work has been performed by an employee, partner or sole proprietor.

(g) "Hotel services" means any services that consist predominately of the lodging of guests at a building or a portion thereof that is regularly used and kept open for such services. Hotel services shall include the lodging of guests at an apartment hotel, a motel, boarding house or club, whether or not meals are served.

(h) "Linear scalar" means, for an eligible business in a taxable year, the quotient of dividing:

(1) the total square footage of an eligible premises; by

(2) the product of multiplying two hundred fifty by such business's aggregate employment shares.

(i) "Maximum approved employment shares" means a limitation on the aggregate employment shares that an eligible business may receive in any taxable year determined by the mayor pursuant to section 22-628 of this chapter based on documentation submitted by such business demonstrating such business's intention to relocate. The maximum approved employment shares is the number of aggregate employment shares such business intends to relocate as indicated by the mayor on the applicable initial certification of eligibility.

(j) "Mayor" means the mayor, or an agency as designated by the mayor.

(k) "Part-time work week" means a week during which at least fifteen but less than thirty-five hours of gainful work has been performed by an employee, partner or sole proprietor.

(l) "Person" includes any individual, partnership, association, joint-stock company, corporation, estate or trust, limited liability company, and any combination of the foregoing.

(m) "Program total" means the sum of maximum approved aggregate employment shares included in all initial certification of eligibility issued by the mayor.

(n) "Relocate" means, with respect to an eligible business, to transfer a pre-existing business operation to an eligible premises, or to establish a new business operation at such premises, provided that an eligible business shall not be deemed to have relocated unless at least one employee, partner or sole proprietor of the eligible business is transferred to such premises from a pre-existing business operation conducted outside the state of New York. The date of relocation shall be the first day on which the individual so transferred commences work at such eligible premises. The taxable year of relocation shall be the taxable year in which the date of relocation occurs. For purposes of

1 this chapter, an eligible business may relocate only once but may add or
2 substitute other eligible premises throughout such period.

3 (o) "Retail activity" means any activity which consists predominately
4 of:

5 (1) the sale, other than through the mail or by the telephone or by
6 means of the internet, of tangible personal property to a person, for
7 any purpose unrelated to the trade or business of such person;

8 (2) the selling of a service to an individual which generally involves
9 the physical, mental or spiritual care of such individual;

10 (3) the physical care of the personal property of any person unrelated
11 to the trade or business of such person; or

12 (4) the provision of a retail banking service.

13 § 22-628 Authorization to provide relocation assistance credit per
14 employee. (a) An eligible business that relocates shall be allowed to
15 receive a credit against a tax imposed by chapter five, subchapter two,
16 three or three-A of chapter six of title eleven of this code, as
17 described in subdivision (r) of section 11-503, subdivision twenty-four
18 of section 11-604, section 11-643.10, or subdivision twenty-four of
19 section 11-654 of this code.

20 (b) No eligible business shall be authorized to receive a credit
21 against tax under the provisions of this chapter and of title eleven of
22 this code as described in subdivision (a) of this section, unless the
23 premises with respect to which it is claiming the credit are eligible
24 premises and until it has obtained an initial certification of eligibil-
25 ity from the mayor and an annual certification from the mayor as to the
26 number of eligible aggregate employment shares maintained by such eligi-
27 ble business that may qualify for obtaining a tax credit for the eligi-
28 ble business's taxable year. Each initial certification of eligibility
29 shall include the maximum approved employment shares for the eligible
30 business, which shall not exceed five hundred employment shares. Any
31 written documentation submitted to the mayor in order to obtain any such
32 certification shall be deemed a written instrument for purposes of
33 section 175.00 of the penal law. An application fee for such certif-
34 ication shall be determined by the mayor. No initial certification of
35 eligibility shall be issued to an eligible business on or after July
36 first, two thousand twenty-eight unless:

37 (1) prior to such date such business has purchased, leased or entered
38 into a contract to purchase or lease eligible premises;

39 (2) prior to such date such business submits a preliminary application
40 for an initial certification of eligibility to such mayor with respect
41 to a proposed relocation to such premises;

42 (3) such business enters into a lease or contract to purchase an
43 eligible premises between the date that such business submits such
44 preliminary application and three months thereafter; and

45 (4) such business relocates to such premises not later than thirty-six
46 months from the date of submission of such preliminary application.

47 (c) Notwithstanding any provision of law to the contrary, the mayor
48 shall not issue an initial certification of eligibility that would cause
49 the program total to exceed three thousand maximum approved employment
50 shares. The mayor shall approve such applications on a first-come,
51 first-serve basis among eligible businesses in accordance with rules
52 promulgated pursuant to subdivision (d) of this section. The mayor shall
53 include on the mayor's website an indication regarding whether the
54 program total has reached three thousand maximum approved employment
55 shares.

1 (d) The mayor shall be authorized to promulgate rules and regulations
2 to administer and ensure compliance with the provisions of this chapter,
3 including but not limited to rules and regulations to provide for alter-
4 native methods to measure employment shares in instances where an eligi-
5 ble business is not required by law to maintain weekly records of full-
6 time work weeks and part-time work weeks of employees, partners or sole
7 proprietors.

8 (e) For the duration of the benefit period, the recipient of a credit
9 shall file an application for an annual certification each year demon-
10 strating such recipient's eligibility for such credit and the average
11 wage and benefits offered to the applicable relocated employees used in
12 determining eligible aggregate employment shares. Such mayor shall have
13 the authority to require that statements filed under this subdivision be
14 filed electronically and that such statements be certified.

15 (f) The department of small business services may require in a
16 contract with a not-for-profit corporation that provides economic devel-
17 opment services for the city of New York that such corporation will
18 provide administrative support to the mayor and assist the mayor's
19 review of any initial certification of eligibility or annual certif-
20 ication, and provide recommendations regarding the approval of any cred-
21 it pursuant to this chapter.

22 § 11. This act shall take effect July 1, 2025.