

DRAFT LBDC

A BUDGET BILL submitted by the Governor
in accordance with Article VII of the Constitution

AN ACT to amend the tax law, in relation to the temporary exemption from sales and use taxes for premises used for commercial office space in lower Manhattan; and to amend part C of chapter 2 of the laws of 2005 amending the tax law relating to exemptions from sales and use taxes, in relation to the effectiveness thereof (Subpart A); to amend the real property tax law and the administrative code of the city of New York, in relation to extending a real property tax abatement program for certain commercial properties in cities having a population of one million or more and in relation to extending a special reduction under the commercial rent tax in the city of New York (Subpart B); to amend the real property tax law and the administrative code of the city of New York, in relation to applications for tax abatements for industrial and commercial construction work on properties in a city of one million or more persons (Subpart C); to amend the general city law and the administrative code of the city of New York, in relation to extending the relocation and employment assistance program and the Lower Manhattan relocation and employment assistance program (Subpart D); to amend the general city law and the administrative code of the city of New York, in relation to extending the special rebates and discounts provided pursuant to the energy cost savings program and the Lower Manhattan energy program (Subpart E); to amend the administrative code of the city of New York, in relation to the amount of special reduction allowed (Subpart F); and to amend the real property tax law, in relation to a real estate tax abatement program for certain commercial, industrial and manufacturing properties in a city of one million or more persons (Subpart G)

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

1 Section 1. This act enacts into law major components of legislation
2 relating to lower Manhattan. Each component is wholly contained within
3 a Subpart identified as Subparts A through G. The effective date for
4 each particular provision contained within such Subpart is set forth in
5 the last section of such Subpart. Any provision in any section
6 contained within a Subpart, including the effective date of the Subpart,

1 which makes a reference to a section "of this act", when used in
2 connection with that particular component, shall be deemed to mean and
3 refer to the corresponding section of the Subpart in which it is found.
4 Section three of this act sets forth the general effective date of this
5 act.

6 SUBPART A

7 Section 1. Subparagraph (A) of paragraph 7 of subdivision (ee) of
8 section 1115 of the tax law, as amended by section 2 of chapter 203 of
9 the laws of 2009, is amended to read as follows:

10 (A) "Tenant" means a person who, as lessee, enters into a space lease
11 with a landlord for a term of ten years or more commencing on or after
12 September first, two thousand five, but not later than, in the case of a
13 space lease with respect to leased premises located in eligible areas as
14 defined in clause (i) of subparagraph (D) of this paragraph, September
15 first, two thousand [thirteen] fifteen and, in the case of a space lease
16 with respect to leased premises located in eligible areas as defined in
17 clause (ii) of subparagraph (D) of this paragraph not later than Septem-
18 ber first, two thousand [fifteen] seventeen, of premises for use as
19 commercial office space in buildings located or to be located in the
20 eligible areas. A person who currently occupies premises for use as
21 commercial office space under an existing lease in a building in the
22 eligible areas shall not be eligible for exemption under this subdivi-
23 sion unless such existing lease, in the case of a space lease with
24 respect to leased premises located in eligible areas as defined in
25 clause (i) of subparagraph (D) of this paragraph expires according to
26 its terms before September first, two thousand [thirteen] fifteen or

1 such existing lease, in the case of a space lease with respect to leased
2 premises located in eligible areas as defined in clause (ii) of subpara-
3 graph (D) of this paragraph and such person enters into a space lease,
4 for a term of ten years or more commencing on or after September first,
5 two thousand five, of premises for use as commercial office space in a
6 building located or to be located in the eligible areas, provided that
7 such space lease with respect to leased premises located in eligible
8 areas as defined in clause (i) of subparagraph (D) of this paragraph
9 commences no later than September first, two thousand [thirteen]
10 fifteen, and provided that such space lease with respect to leased prem-
11 ises located in eligible areas as defined in clause (ii) of subparagraph
12 (D) of this paragraph commences no later than September first, two thou-
13 sand [fifteen] seventeen and provided, further, that such space lease
14 shall expire no earlier than ten years after the expiration of the
15 original lease.

16 § 2. Section 2 of part C of chapter 2 of the laws of 2005 amending
17 the tax law relating to exemptions from sales and use taxes, as amended
18 by chapter 203 of the laws of 2009, is amended to read as follows:

19 § 2. This act shall take effect September 1, 2005 and shall expire and
20 be deemed repealed on December 1, [2016] 2018, and shall apply to sales
21 made, uses occurring and services rendered on or after such effective
22 date, in accordance with the applicable transitional provisions of
23 sections 1106 and 1217 of the tax law; except that clause (i) of subpar-
24 agraph (D) of paragraph seven of subdivision (ee) of section 1115 of the
25 tax law, as added by section one of this act, shall expire and be deemed
26 repealed December 1, [2014] 2016.

27 § 3. This act shall take effect immediately; provided, however, that
28 the amendments to subparagraph (A) of paragraph 7 of subdivision (ee) of

1 section 1115 of the tax law made by section one of this act shall not
2 affect the repeal of such subdivision and shall be deemed repealed ther-
3 ewith.

4 SUBPART B

5 Section 1. Subdivisions 5 and 9 of section 499-a of the real property
6 tax law, as amended by chapter 22 of the laws of 2010, are amended to
7 read as follows:

8 5. "Benefit period." The period commencing with the first day of the
9 month immediately following the rent commencement date and terminating
10 no later than sixty months thereafter, provided, however, that with
11 respect to a lease commencing on or after April first, nineteen hundred
12 ninety-seven with an initial lease term of less than five years, but not
13 less than three years, the period commencing with the first day of the
14 month immediately following the rent commencement date and terminating
15 no later than thirty-six months thereafter. Notwithstanding the forego-
16 ing sentence, a benefit period shall expire no later than March thirty-
17 first, two thousand [twenty] twenty-two.

18 9. "Eligibility period." The period commencing April first, nineteen
19 hundred ninety-five and terminating March thirty-first, two thousand
20 [fourteen] sixteen.

21 § 2. Paragraph (a) of subdivision 3 of section 499-c of the real prop-
22 erty tax law, as amended by chapter 22 of the laws of 2010, is amended
23 to read as follows:

24 (a) For purposes of determining whether the amount of expenditures
25 required by subdivision one of this section have been satisfied, expend-
26 itures on improvements to the common areas of an eligible building shall

1 be included only if work on such improvements commenced and the expendi-
2 tures are made on or after April first, nineteen hundred ninety-five and
3 on or before September thirtieth, two thousand [fourteen] sixteen;
4 provided, however, that expenditures on improvements to the common areas
5 of an eligible building made prior to three years before the lease
6 commencement date shall not be included.

7 § 3. Subdivision 8 of section 499-d of the real property tax law, as
8 amended by chapter 22 of the laws of 2010, is amended to read as
9 follows:

10 8. Leases commencing on or after April first, nineteen hundred nine-
11 ty-seven shall be subject to the provisions of this title as amended by
12 chapter six hundred twenty-nine of the laws of nineteen hundred ninety-
13 seven, chapter one hundred eighteen of the laws of two thousand one,
14 chapter four hundred forty of the laws of two thousand three, chapter
15 sixty of the laws of two thousand seven [and the], chapter twenty-two of
16 the laws of two thousand ten [that added this phrase] and the chapter of
17 the laws of two thousand fourteen that added this phrase. Notwithstand-
18 ing any other provision of law to the contrary, with respect to leases
19 commencing on or after April first, nineteen hundred ninety-seven, an
20 application for a certificate of abatement shall be considered timely
21 filed if filed within one hundred eighty days following the lease
22 commencement date or within sixty days following the date chapter six
23 hundred twenty-nine of the laws of nineteen hundred ninety-seven became
24 a law, whichever is later.

25 § 4. Subparagraph (a) of paragraph 2 of subdivision i of section
26 11-704 of the administrative code of the city of New York, as amended by
27 chapter 22 of the laws of 2010, is amended to read as follows:

1 (a) An eligible tenant of eligible taxable premises shall be allowed a
2 special reduction in determining the taxable base rent for such eligible
3 taxable premises. Such special reduction shall be allowed with respect
4 to the rent for such eligible taxable premises for a period not exceed-
5 ing sixty months or, with respect to a lease commencing on or after
6 April first, nineteen hundred ninety-seven with an initial lease term of
7 less than five years, but not less than three years, for a period not
8 exceeding thirty-six months, commencing on the rent commencement date
9 applicable to such eligible taxable premises, provided, however, that in
10 no event shall any special reduction be allowed for any period beginning
11 after March thirty-first, two thousand [twenty] twenty-two. For
12 purposes of applying such special reduction, the base rent for the base
13 year shall, where necessary to determine the amount of the special
14 reduction allowable with respect to any number of months falling within
15 a tax period, be prorated by dividing the base rent for the base year by
16 twelve and multiplying the result by such number of months.

17 § 5. This act shall take effect immediately.

18 SUBPART C

19 Section 1. Paragraph (a) of subdivision 1 of section 489-dddddd of the
20 real property tax law, as amended by chapter 28 of the laws of 2011, is
21 amended to read as follows:

22 (a) Application for benefits pursuant to this title may be made imme-
23 diately following the effective date of a local law enacted pursuant to
24 this title and continuing until March first, two thousand [fifteen]
25 seventeen.

1 § 2. Subdivision 3 of section 489-ddddddd of the real property tax
2 law, as added by chapter 28 of the laws of 2011, is amended to read as
3 follows:

4 3. (a) No benefits pursuant to this title shall be granted for
5 construction work performed pursuant to a building permit issued after
6 April first, two thousand [fifteen] seventeen.

7 (b) If no building permit was required, then no benefits pursuant to
8 this title shall be granted for construction work that is commenced
9 after April first, two thousand [fifteen] seventeen.

10 § 3. Paragraph 1 of subdivision a of section 11-271 of the adminis-
11 trative code of the city of New York, as amended by chapter 28 of the
12 laws of 2011, is amended to read as follows:

13 (1) Application for benefits pursuant to this part may be made imme-
14 diately following the effective date of the local law that added this
15 section and continuing until March first, two thousand [fifteen] seven-
16 teen.

17 § 4. Subdivision c of section 11-271 of the administrative code of
18 the city of New York, as added by chapter 28 of the laws of 2011, is
19 amended to read as follows:

20 c. (1) No benefits pursuant to this part shall be granted for
21 construction work performed pursuant to a building permit issued after
22 April first, two thousand [fifteen] seventeen.

23 (2) If no building permit was required, then no benefits pursuant to
24 this part shall be granted for construction work that is commenced after
25 April first, two thousand [fifteen] seventeen.

26 § 5. This act shall take effect immediately.

1 Section 1. Subdivision (b) of section 25-z of the general city law, as
2 amended by chapter 131 of the laws of 2008, is amended to read as
3 follows:

4 (b) No eligible business shall be authorized to receive a credit under
5 any 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' taxable year. Any
13 written documentation submitted to such mayor or such agency or agencies
14 in order to obtain any such certification shall be deemed a written
15 instrument for purposes of section 175.00 of the penal law. Such local
16 law may provide for application fees to be determined by such mayor or
17 such agency or agencies. No such certification of eligibility shall be
18 issued under any local law enacted pursuant to this article to an eligi-
19 ble business on or after July first, two thousand [thirteen] fifteen
20 unless:

21 (1) prior to such date such business has purchased, leased or entered
22 into a contract to purchase or lease particular premises or a parcel on
23 which will be constructed such premises or already owned such premises
24 or parcel;

25 (2) prior to such date improvements have been commenced on such prem-
26 ises or parcel, which improvements will meet the requirements of subdivi-
27 sion (e) of section twenty-five-y of this article relating to expendi-
28 tures for improvements;

1 (3) prior to such date such business submits a preliminary application
2 for a certification of eligibility to such mayor or such agency or agen-
3 cies with respect to a proposed relocation to such particular premises;
4 and

5 (4) such business relocates to such particular premises not later than
6 thirty-six months or, in a case in which the expenditures made for the
7 improvements specified in paragraph two of this subdivision are in
8 excess of fifty million dollars within seventy-two months from the date
9 of submission of such preliminary application.

10 § 2. Subdivision (b) of section 25-ee of the general city law, as
11 amended by chapter 131 of the laws of 2008, is amended to read as
12 follows:

13 (b) No eligible business or special eligible business shall be author-
14 ized to receive a credit against tax under any local law enacted pursu-
15 ant to this article until the premises with respect to which it is
16 claiming the credit meet the requirements in the definition of eligible
17 premises and until it has obtained a certification of eligibility from
18 the mayor of such city or any agency designated by such mayor, and an
19 annual certification from such mayor or an agency designated by such
20 mayor as to the number of eligible aggregate employment shares main-
21 tained by such eligible business or such special eligible business that
22 may qualify for obtaining a tax credit for the eligible business' taxa-
23 ble year. No special eligible business shall be authorized to receive a
24 credit against tax under the provisions of this article unless the
25 number of relocated employee base shares calculated pursuant to subdivi-
26 sion (o) of section twenty-five-dd of this article is equal to or great-
27 er than the lesser of twenty-five percent of the number of New York city
28 base shares calculated pursuant to subdivision (p) of such section and

1 two hundred fifty employment shares. Any written documentation submitted
2 to such mayor or such agency or agencies in order to obtain any such
3 certification shall be deemed a written instrument for purposes of
4 section 175.00 of the penal law. Such local law may provide for applica-
5 tion fees to be determined by such mayor or such agency or agencies. No
6 certification of eligibility shall be issued under any local law enacted
7 pursuant to this article to an eligible business on or after July first,
8 two thousand [thirteen] fifteen unless:

9 (1) prior to such date such business has purchased, leased or entered
10 into a contract to purchase or lease premises in the eligible Lower
11 Manhattan area or a parcel on which will be constructed such premises;

12 (2) prior to such date improvements have been commenced on such prem-
13 ises or parcel, which improvements will meet the requirements of subdivi-
14 sion (e) of section twenty-five-dd of this article relating to expend-
15 itures for improvements;

16 (3) prior to such date such business submits a preliminary application
17 for a certification of eligibility to such mayor or such agency or agen-
18 cies with respect to a proposed relocation to such premises; and

19 (4) such business relocates to such premises as provided in subdivi-
20 sion (j) of section twenty-five-dd of this article not later than thir-
21 ty-six months or, in a case in which the expenditures made for the
22 improvements specified in paragraph two of this subdivision are in
23 excess of fifty million dollars within seventy-two months from the date
24 of submission of such preliminary application.

25 § 3. Subdivision (b) of section 22-622 of the administrative code of
26 the city of New York, as amended by chapter 131 of the laws of 2008, is
27 amended to read as follows:

1 (b) No eligible business shall be authorized to receive a credit
2 against tax or a reduction in base rent subject to tax under the
3 provisions of this chapter, and of title eleven of the code as described
4 in subdivision (a) of this section, until the premises with respect to
5 which it is claiming the credit meet the requirements in the definition
6 of eligible premises and until it has obtained a certification of eligi-
7 bility from the mayor or an agency designated by the mayor, and an annu-
8 al certification from the mayor or an agency designated by the mayor as
9 to the number of eligible aggregate employment shares maintained by such
10 eligible business that may qualify for obtaining a tax credit for the
11 eligible business' taxable year. Any written documentation submitted to
12 the mayor or such agency or agencies in order to obtain any such certif-
13 ication shall be deemed a written instrument for purposes of section
14 175.00 of the penal law. Application fees for such certifications shall
15 be determined by the mayor or such agency or agencies. No certification
16 of eligibility shall be issued to an eligible business on or after July
17 first, two thousand [~~thirteen~~] fifteen unless:

18 (1) prior to such date such business has purchased, leased or entered
19 into a contract to purchase or lease particular premises or a parcel on
20 which will be constructed such premises or already owned such premises
21 or parcel;

22 (2) prior to such date improvements have been commenced on such prem-
23 ises or parcel which improvements will meet the requirements of subdivi-
24 sion (e) of section 22-621 of this chapter relating to expenditures for
25 improvements;

26 (3) prior to such date such business submits a preliminary application
27 for a certification of eligibility to such mayor or such agency or agen-

1 cies with respect to a proposed relocation to such particular premises;
2 and

3 (4) such business relocates to such particular premises not later than
4 thirty-six months or, in a case in which the expenditures made for
5 improvements specified in paragraph two of this subdivision are in
6 excess of fifty million dollars within seventy-two months from the date
7 of submission of such preliminary application.

8 § 4. Subdivision (b) of section 22-624 of the administrative code of
9 the city of New York, as amended by chapter 131 of the laws of 2008, is
10 amended to read as follows:

11 (b) No eligible business or special eligible business shall be author-
12 ized to receive a credit against tax under the provisions of this chap-
13 ter, and of title eleven of the code as described in subdivision (a) of
14 this section, until the premises with respect to which it is claiming
15 the credit meet the requirements in the definition of eligible premises
16 and until it has obtained a certification of eligibility from the mayor
17 or an agency designated by the mayor, and an annual certification from
18 the mayor or an agency designated by the mayor as to the number of
19 eligible aggregate employment shares maintained by such eligible busi-
20 ness or special eligible business that may qualify for obtaining a tax
21 credit for the eligible business' taxable year. No special eligible
22 business shall be authorized to receive a credit against tax under the
23 provisions of this chapter and of title eleven of the code unless the
24 number of relocated employee base shares calculated pursuant to subdivi-
25 sion (o) of section 22-623 of this chapter is equal to or greater than
26 the lesser of twenty-five percent of the number of New York city base
27 shares calculated pursuant to subdivision (p) of such section 22-623,
28 and two hundred fifty employment shares. Any written documentation

1 submitted to the mayor or such agency or agencies in order to obtain any
2 such certification shall be deemed a written instrument for purposes of
3 section 175.00 of the penal law. Application fees for such certifi-
4 cations shall be determined by the mayor or such agency or agencies. No
5 certification of eligibility shall be issued to an eligible business on
6 or after July first, two thousand [thirteen] fifteen unless:

7 (1) prior to such date such business has purchased, leased or entered
8 into a contract to purchase or lease premises in the eligible Lower
9 Manhattan area or a parcel on which will be constructed such premises;

10 (2) prior to such date improvements have been commenced on such prem-
11 ises or parcel, which improvements will meet the requirements of subdivi-
12 sion (e) of section 22-623 of this chapter relating to expenditures
13 for improvements;

14 (3) prior to such date such business submits a preliminary application
15 for a certification of eligibility to such mayor or such agency or agen-
16 cies with respect to a proposed relocation to such premises; and

17 (4) such business relocates to such premises not later than thirty-six
18 months or, in a case in which the expenditures made for the improvements
19 specified in paragraph two of this subdivision are in excess of fifty
20 million dollars within seventy-two months from the date of submission of
21 such preliminary application.

22 § 5. This act shall take effect immediately.

23 SUBPART E

24 Section 1. Paragraph 1 of subdivision (b) of section 25-s of the
25 general city law, as amended by chapter 406 of the laws of 2010, is
26 amended to read as follows:

1 (1) non-residential premises that are wholly contained in property
2 that is eligible to obtain benefits under title two-D or two-F of arti-
3 cle four of the real property tax law, or would be eligible to receive
4 benefits under such article except that such property is exempt from
5 real property taxation and the requirements of paragraph (b) of subdivi-
6 sion seven of section four hundred eighty-nine-dddd of such title two-D,
7 or the requirements of subparagraph (ii) of paragraph (b) of subdivision
8 five of section four hundred eighty-nine-cccccc of such title two-F,
9 whichever is applicable, have not been satisfied, provided that applica-
10 tion for such benefits was made after May third, nineteen hundred eight-
11 y-five and prior to July first, two thousand [thirteen] fifteen, that
12 construction or renovation of such premises was described in such appli-
13 cation, that such premises have been substantially improved by such
14 construction or renovation so described, that the minimum required
15 expenditure as defined in such title two-D or two-F, whichever is appli-
16 cable, has been made, and that such real property is located in an
17 eligible area; or

18 § 2. Paragraph 3 of subdivision (b) of section 25-s of the general
19 city law, as amended by chapter 406 of the laws of 2010, is amended to
20 read as follows:

21 (3) non-residential premises that are wholly contained in real proper-
22 ty that has obtained approval after October thirty-first, two thousand
23 and prior to July first, two thousand [thirteen] fifteen for financing
24 by an industrial development agency established pursuant to article
25 eighteen-A of the general municipal law, provided that such financing
26 has been used in whole or in part to substantially improve such premises
27 (by construction or renovation), and that expenditures have been made
28 for improvements to such real property in excess of ten per centum of

1 the value at which such real property was assessed for tax purposes for
2 the tax year in which such improvements commenced, that such expendi-
3 tures have been made within thirty-six months after the earlier of (i)
4 the issuance by such agency of bonds for such financing, or (ii) the
5 conveyance of title to such property to such agency, and that such real
6 property is located in an eligible area; or

7 § 3. Paragraph 5 of subdivision (b) of section 25-s of the general
8 city law, as amended by chapter 406 of the laws of 2010, is amended to
9 read as follows:

10 (5) non-residential premises that are wholly contained in real proper-
11 ty owned by such city or the New York state urban development corpo-
12 ration, or a subsidiary thereof, a lease for which was approved in
13 accordance with the applicable provisions of the charter of such city or
14 by the board of directors of such corporation, and such approval was
15 obtained after October thirty-first, two thousand and prior to July
16 first, two thousand [thirteen] fifteen, provided, however, that such
17 premises were constructed or renovated subsequent to such approval, that
18 expenditures have been made subsequent to such approval for improvements
19 to such real property (by construction or renovation) in excess of ten
20 per centum of the value at which such real property was assessed for tax
21 purposes for the tax year in which such improvements commenced, that
22 such expenditures have been made within thirty-six months after the
23 effective date of such lease, and that such real property is located in
24 an eligible area; or

25 § 4. Paragraph 2 of subdivision (c) of section 25-t of the general
26 city law, as amended by chapter 406 of the laws of 2010, is amended to
27 read as follows:

1 (2) No eligible energy user, qualified eligible energy user, on-site
2 cogenerator, or clean on-site cogenerator shall receive a rebate pursu-
3 ant to this article until it has obtained a certification from the
4 appropriate city agency in accordance with a local law enacted pursuant
5 to this section. No such certification for a qualified eligible energy
6 user shall be issued on or after November first, two thousand. No such
7 certification of any other eligible energy user, on-site cogenerator, or
8 clean on-site cogenerator shall be issued on or after July first, two
9 thousand [thirteen] fifteen.

10 § 5. Paragraph 1 of subdivision (a) of section 25-aa of the general
11 city law, as amended by chapter 406 of the laws of 2010, is amended to
12 read as follows:

13 (1) is eligible to obtain benefits under title two-D or two-F of arti-
14 cle four of the real property tax law, or would be eligible to receive
15 benefits under such title except that such property is exempt from real
16 property taxation and the requirements of paragraph (b) of subdivision
17 seven of section four hundred eighty-nine-dddd of such title two-D, or
18 the requirements of subparagraph (ii) of paragraph (b) of subdivision
19 five of section four hundred eighty-nine-cccccc of such title two-F,
20 whichever is applicable, of the real property tax law have not been
21 satisfied, provided that application for such benefits was made after
22 the thirtieth day of June, nineteen hundred ninety-five and before the
23 first day of July, two thousand [thirteen] fifteen, that construction or
24 renovation of such building or structure was described in such applica-
25 tion, that such building or structure has been substantially improved by
26 such construction or renovation, and (i) that the minimum required
27 expenditure as defined in such title has been made, or (ii) where there
28 is no applicable minimum required expenditure, the building was

1 constructed within such period or periods of time established by title
2 two-D or two-F, whichever is applicable, of article four of the real
3 property tax law for construction of a new building or structure; or

4 § 6. Paragraphs 2 and 3 of subdivision (a) of section 25-aa of the
5 general city law, as amended by chapter 406 of the laws of 2010, are
6 amended to read as follows:

7 (2) has obtained approval after the thirtieth day of June, nineteen
8 hundred ninety-five and before the first day of July, two thousand
9 [thirteen] fifteen, for financing by an industrial development agency
10 established pursuant to article eighteen-A of the general municipal law,
11 provided that such financing has been used in whole or in part to
12 substantially improve such building or structure by construction or
13 renovation, that expenditures have been made for improvements to such
14 real property in excess of twenty per centum of the value at which such
15 real property was assessed for tax purposes for the tax year in which
16 such improvements commenced, and that such expenditures have been made
17 within thirty-six months after the earlier of (i) the issuance by such
18 agency of bonds for such financing, or (ii) the conveyance of title to
19 such building or structure to such agency; or

20 (3) is owned by the city of New York or the New York state urban
21 development corporation, or a subsidiary corporation thereof, a lease
22 for which was approved in accordance with the applicable provisions of
23 the charter of such city or by the board of directors of such corpo-
24 ration, as the case may be, and such approval was obtained after the
25 thirtieth day of June, nineteen hundred ninety-five and before the first
26 day of July, two thousand [thirteen] fifteen, provided that expenditures
27 have been made for improvements to such real property in excess of twen-
28 ty per centum of the value at which such real property was assessed for

1 tax purposes for the tax year in which such improvements commenced, and
2 that such expenditures have been made within thirty-six months after the
3 effective date of such lease; or

4 § 7. Subdivision (f) of section 25-bb of the general city law, as
5 amended by chapter 406 of the laws of 2010, is amended to read as
6 follows:

7 (f) Application and certification. An owner or lessee of a building or
8 structure located in an eligible revitalization area, or an agent of
9 such owner or lessee, may apply to such department of small business
10 services for certification that such building or structure is an eligi-
11 ble building or targeted eligible building meeting the criteria of
12 subdivision (a) or (q) of section twenty-five-aa of this article.
13 Application for such certification must be filed after the thirtieth day
14 of June, nineteen hundred ninety-five and before a building permit is
15 issued for the construction or renovation required by such subdivisions
16 and before the first day of July, two thousand [~~thirteen~~] fifteen,
17 provided that no certification for a targeted eligible building shall be
18 issued after October thirty-first, two thousand. Such application shall
19 identify expenditures to be made that will affect eligibility under such
20 subdivision (a) or (q). Upon completion of such expenditures, an appli-
21 cant shall supplement such application to provide information (i) estab-
22 lishing that the criteria of such subdivision (a) or (q) have been met;
23 (ii) establishing a basis for determining the amount of special rebates,
24 including a basis for an allocation of the special rebate among eligible
25 revitalization area energy users purchasing or otherwise receiving ener-
26 gy services from an eligible redistributor of energy or a qualified
27 eligible redistributor of energy; and (iii) supporting an allocation of
28 charges for energy services between eligible charges and other charges.

1 Such department shall certify a building or structure as an eligible
2 building or targeted eligible building after receipt and review of such
3 information and upon a determination that such information establishes
4 that the building or structure qualifies as an eligible building or
5 targeted eligible building. Such department shall mail such certif-
6 ication or notice thereof to the applicant upon issuance. Such certif-
7 ication shall remain in effect provided the eligible redistributor of
8 energy or qualified eligible redistributor of energy reports any changes
9 that materially affect the amount of the special rebates to which it is
10 entitled or the amount of reduction required by subdivision (c) of this
11 section in an energy services bill of an eligible revitalization area
12 energy user and otherwise complies with the requirements of this arti-
13 cle. Such department shall notify the private utility or public utility
14 service required to make a special rebate to such redistributor of the
15 amount of such special rebate established at the time of certification
16 and any changes in such amount and any suspension or termination by such
17 department of certification under this subdivision. Such department may
18 require some or all of the information required as part of an applica-
19 tion or other report be provided by a licensed engineer.

20 § 8. Paragraph 1 of subdivision (i) of section 22-601 of the adminis-
21 trative code of the city of New York, as amended by chapter 406 of the
22 laws of 2010, is amended to read as follows:

23 (1) Non-residential premises that are wholly contained in property
24 that is eligible to obtain benefits under part four or part five of
25 subchapter two of chapter two of title eleven of this code, or would be
26 eligible to receive benefits under such chapter except that such proper-
27 ty is exempt from real property taxation and the requirements of para-
28 graph two of subdivision g of section 11-259 of this code, or the

1 requirements of subparagraph (b) of paragraph two of subdivision e of
2 section 11-270 of this code, whichever is applicable, have not been
3 satisfied, provided that application for such benefits was made after
4 May third, nineteen hundred eighty-five and prior to July first, two
5 thousand [thirteen] fifteen, that construction or renovation of such
6 premises was described in such application, that such premises have been
7 substantially improved by such construction or renovation so described,
8 that the minimum required expenditure as defined in such part four or
9 part five, whichever is applicable, has been made, and that such real
10 property is located in an eligible area; or

11 § 9. Paragraph 3 of subdivision (i) of section 22-601 of the adminis-
12 trative code of the city of New York, as amended by chapter 406 of the
13 laws of 2010, is amended to read as follows:

14 (3) non-residential premises that are wholly contained in real proper-
15 ty that has obtained approval after October thirty-first, two thousand
16 and prior to July first, two thousand [thirteen] fifteen for financing
17 by an industrial development agency established pursuant to article
18 eighteen-A of the general municipal law, provided that such financing
19 has been used in whole or in part to substantially improve such premises
20 (by construction or renovation), and that expenditures have been made
21 for improvements to such real property in excess of ten per centum of
22 the value at which such real property was assessed for tax purposes for
23 the tax year in which such improvements commenced, that such expendi-
24 tures have been made within thirty-six months after the earlier of (i)
25 the issuance by such agency of bonds for such financing, or (ii) the
26 conveyance of title to such property to such agency, and that such real
27 property is located in an eligible area; or

1 § 10. Paragraph 5 of subdivision (i) of section 22-601 of the adminis-
2 trative code of the city of New York, as amended by chapter 406 of the
3 laws of 2010, is amended to read as follows:

4 (5) non-residential premises that are wholly contained in real proper-
5 ty owned by such city or the New York state urban development corpo-
6 ration, or a subsidiary thereof, a lease for which was approved in
7 accordance with the applicable provisions of the charter of such city or
8 by the board of directors of such corporation, and such approval was
9 obtained after October thirty-first, two thousand and prior to July
10 first, two thousand [thirteen] fifteen, provided, however, that such
11 premises were constructed or renovated subsequent to such approval, that
12 expenditures have been made subsequent to such approval for improvements
13 to such real property (by construction or renovation) in excess of ten
14 per centum of the value at which such real property was assessed for tax
15 purposes for the tax year in which such improvements commenced, that
16 such expenditures have been made within thirty-six months after the
17 effective date of such lease, and that such real property is located in
18 an eligible area; or

19 § 11. Paragraph 1 of subdivision (c) of section 22-602 of the adminis-
20 trative code of the city of New York, as amended by chapter 406 of the
21 laws of 2010, is amended to read as follows:

22 (1) No eligible energy user, qualified eligible energy user, on-site
23 cogenerator, clean on-site cogenerator or special eligible energy user
24 shall receive a rebate pursuant to this chapter until it has obtained a
25 certification as an eligible energy user, qualified eligible energy
26 user, on-site cogenerator, clean on-site cogenerator or special eligible
27 energy user, respectively, from the commissioner of small business
28 services. No such certification for a qualified eligible energy user

1 shall be issued on or after July first, two thousand three. No such
2 certification of any other eligible energy user, on-site cogenerator or
3 clean on-site cogenerator shall be issued on or after July first, two
4 thousand [thirteen] fifteen. The commissioner of small business
5 services, after notice and hearing, may revoke a certification issued
6 pursuant to this subdivision where it is found that eligibility criteria
7 have not been met or that compliance with conditions for continued
8 eligibility has not been maintained. The corporation counsel may main-
9 tain a civil action to recover an amount equal to any benefits improper-
10 ly obtained.

11 § 12. This act shall take effect immediately.

12 SUBPART F

13 Section 1. Subparagraph (b-2) of paragraph 2 of subdivision i of
14 section 11-704 of the administrative code of the city of New York, as
15 amended by chapter 203 of the laws of 2009, is amended to read as
16 follows:

17 (b-2) The amount of the special reduction allowed by this subdivision
18 with respect to a lease other than a sublease commencing between July
19 first, two thousand five and June thirtieth, two thousand [thirteen]
20 fifteen with an initial or renewal lease term of at least five years
21 shall be determined as follows:

22 (i) For the base year the amount of such special reduction shall be
23 equal to the base rent for the base year.

24 (ii) For the first, second, third and fourth twelve-month periods
25 following the base year the amount of such special reduction shall be

1 equal to the lesser of (A) the base rent for each such twelve-month
2 period or (B) the base rent for the base year.

3 § 2. This act shall take effect immediately.

4 SUBPART G

5 Section 1. Subdivision 9 of section 499-aa of the real property tax
6 law, as amended by chapter 306 of the laws of 2010, is amended to read
7 as follows:

8 9. "Eligibility period." The period commencing April first, nineteen
9 hundred ninety-five and terminating March thirty-first, two thousand
10 one, provided, however, that with respect to eligible premises defined
11 in subparagraph (i) of paragraph (b) of subdivision ten of this section,
12 the period commencing July first, two thousand and terminating June
13 thirtieth, two thousand [fourteen] sixteen, and provided, further,
14 however, that with respect to eligible premises defined in subparagraph
15 (ii) of paragraph (b) or paragraph (c) of subdivision ten of this
16 section, the period commencing July first, two thousand five and termi-
17 nating June thirtieth, two thousand [fourteen] sixteen.

18 § 2. Subparagraph (iii) of paragraph (a) of subdivision 3 of section
19 499-cc of the real property tax law, as amended by chapter 306 of the
20 laws of 2010, is amended to read as follows:

21 (iii) With respect to the eligible premises defined in subparagraph
22 (ii) of paragraph (b) or paragraph (c) of subdivision ten of section
23 four hundred ninety-nine-aa of this title and for purposes of determin-
24 ing whether the amount of expenditures required by subdivision one of
25 this section have been satisfied, expenditures on improvements to the
26 common areas of an eligible building shall be included only if work on

1 such improvements commenced and the expenditures are made on or after
2 July first, two thousand five and on or before December thirty-first,
3 two thousand [fourteen] sixteen; provided, however, that expenditures on
4 improvements to the common areas of an eligible building made prior to
5 three years before the lease commencement date shall not be included.

6 § 3. This act shall take effect immediately.

7 § 2. Severability clause. If any clause, sentence, paragraph, subdivi-
8 sion, section or part of this act shall be adjudged by any court of
9 competent jurisdiction to be invalid, such judgment shall not affect,
10 impair, or invalidate the remainder thereof, but shall be confined in
11 its operation to the clause, sentence, paragraph, subdivision, section
12 or part thereof directly involved in the controversy in which such judg-
13 ment shall have been rendered. It is hereby declared to be the intent of
14 the legislature that this act would have been enacted even if such
15 invalid provisions had not been included herein.

16 § 3. This act shall take effect immediately provided, however, that
17 the applicable effective date of Subparts A through G of this act shall
18 be as specifically set forth in the last section of such Subparts.