

8 Section 1. Subdivisions 5, 7 and 9 of section 487 of the real property
 9 tax law, subdivision 5 as amended by chapter 325 of the laws of 2018,
 10 subdivision 7 as amended by chapter 515 and subdivision 9 as added by
 11 chapter 608 of the laws of 2002, and paragraph (a) of subdivision 9 as
 12 amended by chapter 344 of the laws of 2014, are amended to read as
 13 follows:

14 5. The exemption granted pursuant to this section shall only be appli-
 15 cable to (a) solar or wind energy systems or farm waste energy systems
 16 which are (i) existing or constructed prior to July first, nineteen
 17 hundred eighty-eight or (ii) constructed subsequent to January first,
 18 nineteen hundred ninety-one and prior to January first, two thousand
 19 [~~twenty-five~~] thirty, and (b) micro-hydroelectric energy systems, fuel
 20 cell electric generating systems, micro-combined heat and power generat-
 21 ing equipment systems, electric energy storage equipment or electric
 22 energy storage system, or fuel-flexible linear generator electric gener-
 23 ating system which are constructed subsequent to January first, two
 24 thousand eighteen and prior to January first, two thousand [~~twenty-five~~]
 25 thirty.

26 7. If the assessor is satisfied that the applicant is entitled to an
 27 exemption pursuant to this section, he or she shall approve the applica-
 28 tion and enter the taxable assessed value of the parcel for which an
 29 exemption has been granted pursuant to this section on the assessment
 30 roll with the taxable property, with the amount of the exemption set
 31 forth in a separate column as computed pursuant to subdivision two of
 32 this section in a separate column. In the event that real property
 33 granted an exemption pursuant to this section ceases to be used primari-
 34 ly for eligible purposes, the exemption granted pursuant to this section
 35 shall cease.

36 9. (a) A county, city, town, village or school district, except a
 37 school district under article fifty-two of the education law, that has
 38 not acted to remove the exemption under this section may require the
 39 owner of a property which includes a solar or wind energy system which
 40 meets the requirements of subdivision four of this section, to enter
 41 into a contract for payments in lieu of taxes. Such contract may require
 42 annual payments in an amount not to exceed the amounts which would
 43 otherwise be payable but for the exemption under this section. If the
 44 owner or developer of such a system provides written notification to a
 45 taxing jurisdiction of its intent to construct such a system, then in
 46 order to require the owner or developer of such system to enter into a
 47 contract for payments in lieu of taxes, such taxing jurisdiction must
 48 notify such owner or developer in writing of its intent to require a
 49 contract for payments in lieu of taxes within sixty days of receiving
 50 the written notification. Written notification to a taxing jurisdiction
 51 for this purpose shall include a hard copy letter sent to the highest-
 52 ranking official of the taxing jurisdiction. Such letter shall explicit-
 53 ly reference subdivision nine of section four hundred eighty-seven of
 54 the real property tax law, and clearly state that, unless the taxing

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1 jurisdiction responds within sixty days in writing with its intent to
 2 require a contract for payments in lieu of taxes, such project shall not
 3 be obligated to make such payments.

4 (b) Notwithstanding paragraph (a) of this subdivision, should a taxing
 5 jurisdiction adopt a law or resolution at any time within or prior to
 6 the sixty day window, indicating the taxing jurisdiction's ongoing
 7 intent to require a contract for payments in lieu of taxes for such

8 systems, such law or resolution shall be considered notification to
9 owners or developers and no further action is required on the part of
10 the taxing jurisdiction, provided that such law or resolution remains in
11 effect through the end of the sixty day notification period.

12 ~~[The]~~ (c) Any payment in lieu of a tax agreement shall not operate for
13 a period of more than fifteen years, commencing in each instance from
14 the date on which the benefits of such exemption first become available
15 and effective.

16 § 2. Subdivision 1 of section 575-a of the real property tax law, as
17 added by section 1 of subpart F of part J of chapter 59 of the laws of
18 2019, is amended to read as follows:

19 1. Every corporation, company, association, joint stock association,
20 partnership and person, their lessees, trustees or receivers appointed
21 by any court whatsoever, owning, operating or managing any electric
22 generating facility in the state shall annually file with the commis-
23 sioner, by April thirtieth, a report showing the inventory, revenue, and
24 expenses associated therewith for the most recent fiscal year, and, in
25 the case of solar and wind energy systems, such other information as the
26 commissioner may reasonably require for the development and maintenance
27 of an appraisal model and discount rate as required pursuant to section
28 575-b of this chapter. Such report shall be in the form and manner
29 prescribed by the commissioner.

30 § 3. The real property tax law is amended by adding a new section
31 575-b to read as follows:

32 § 575-b. Solar or wind energy systems. 1. The assessed value for solar
33 or wind energy systems, as defined in section four hundred eighty-seven
34 of this chapter, shall be determined by a discounted cash flow approach
35 that includes:

36 (a) An appraisal model identified and published by the New York state
37 department of taxation and finance, in consultation with the New York
38 state energy research and development authority, within one hundred
39 eighty days of the effective date of this section, and periodically
40 thereafter as appropriate; and

41 (b) A solar or wind energy system discount rate or rates published
42 annually by the New York state department of taxation and finance;
43 provided that prior to such publication, such discount rate or rates
44 shall be published in preliminary form on the department's website and
45 notice thereof shall be sent to parties who have requested the same.
46 The department shall then allow at least sixty days for public comments
47 to be submitted, and shall consider any comments so submitted and make
48 any changes it deems necessary prior to publishing the final discount
49 rate or rates; and

50 (c) In the formulation of such a model and discount rate, the New York
51 state department of taxation and finance shall consult with the New York
52 State Assessors Association. Provided, further, in the formulation of
53 such a model and discount rate, the New York state department of taxa-
54 tion and finance shall be authorized to take into account economic and
55 cost characteristics of such solar and wind energy systems located in
56 different geographic regions of the state and consider regionalized

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1 market pressures in the formulation of the appraisal model and discount
2 rate required under this section.

3 2. The reports required by section five hundred seventy-five-a of this
4 title shall be designed to elicit such information as the commissioner
5 may reasonably require for the development and maintenance of an
6 appraisal model and discount rate.

7 3. The provisions of this section shall only apply to solar or wind

8 energy systems with a nameplate capacity equal to or greater than one
9 megawatt.

10 § 4. The third undesignated paragraph of section 852 of the general
11 municipal law, as amended by chapter 630 of the laws of 1977, is amended
12 to read as follows:

13 It is hereby further declared to be the policy of this state to
14 protect and promote the health of the inhabitants of this state and to
15 increase trade through promoting the development of facilities to
16 provide recreation for the citizens of the state and to attract tourists
17 from other states and to promote the development of renewable energy
18 projects to support the state's renewable energy goals as may be estab-
19 lished or amended from time to time.

20 § 5. Subdivision 4 of section 854 of the general municipal law, as
21 amended by section 6 of part J of chapter 59 of the laws of 2013, is
22 amended and a new subdivision 21 is added to read as follows:

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

46 (21) "Renewable energy project" shall mean any project and associated
47 real property on which the project is situated, that utilizes any system
48 or equipment as set forth in section four hundred eighty-seven of the
49 real property tax law or as defined pursuant to paragraph b of subdivi-
50 sion one of section sixty-six-p of the public service law as added by
51 chapter one hundred six of the laws of two thousand nineteen.

52 § 6. The opening paragraph of section 858 of the general municipal
53 law, as amended by chapter 478 of the laws of 2011, is amended to read
54 as follows:

55 The purposes of the agency shall be to promote, develop, encourage and
56 assist in the acquiring, constructing, reconstructing, improving, main-

1 taining, equipping and furnishing industrial, manufacturing, warehous-
2 ing, commercial, research, renewable energy and recreation facilities
3 including industrial pollution control facilities, educational or
4 cultural facilities, railroad facilities, horse racing facilities, auto-
5 mobile racing facilities, renewable energy projects and continuing care
6 retirement communities, provided, however, that, of agencies governed by
7 this article, only agencies created for the benefit of a county and the

8 agency created for the benefit of the city of New York shall be author-
9 ized to provide financial assistance in any respect to a continuing care
10 retirement community, and thereby advance the job opportunities, health,
11 general prosperity and economic welfare of the people of the state of
12 New York and to improve their recreation opportunities, prosperity and
13 standard of living; and to carry out the aforesaid purposes, each agency
14 shall have the following powers:

15 § 7. Paragraph (b) of subdivision 5 of section 859-a of the general
16 municipal law, as added by chapter 563 of the laws of 2015, is amended
17 to read as follows:

18 (b) a written cost-benefit analysis by the agency that identifies the
19 extent to which a project will create or retain permanent, private
20 sector jobs; the estimated value of any tax exemptions to be provided;
21 the amount of private sector investment generated or likely to be gener-
22 ated by the proposed project; the contribution of the project to the
23 state's renewable energy goals and emission reduction targets as set
24 forth in the state energy plan adopted pursuant to section 6-104 of the
25 energy law; the likelihood of accomplishing the proposed project in a
26 timely fashion; and the extent to which the proposed project will
27 provide additional sources of revenue for municipalities and school
28 districts; and any other public benefits that might occur as a result of
29 the project;

30 § 8. This act shall take effect immediately.