

**LOCAL LAWS
OF
THE CITY OF NEW YORK**

FOR THE YEAR 1999

No. 44

Introduced by Council Members O'Donovan and Golden (by request of the Mayor); also Council Members Robinson and Wooten.

A LOCAL LAW

To amend the administrative code of the city of New York, in relation to extending for four years the time to apply for certain benefits under the industrial and commercial incentive program and in relation to the temporary commercial incentive area boundary commission for such program.

Be it enacted by the Council as follows:

Section 1. Subdivision a of section 11-258 of the administrative code of the city of New York, as amended by local law number 76 for the year 1990, is amended to read as follows:

a. There shall be a temporary commercial incentive area boundary commission to consist of the deputy mayor for [finance and] economic development *and planning*, the commissioner of finance, the chair of the city planning commission, the director of management and budget, the borough presidents, the speaker of the city council and a public member appointed by the mayor to serve at the mayor's pleasure. Each member except the public member shall have the power to designate an alternate to represent him or her at commission meetings to exercise all the rights and powers of such member, including the right to vote, provided that such designation be made in writing to the chair of the commission. The deputy mayor for [finance and] economic development *and planning* shall be the chair of the commission. Each borough president shall be entitled to vote only on the designation of areas within his or her borough. Commission members who shall be officers or employees of the city shall serve without compensation but shall be reimbursed for expenses necessarily incurred in the performance of their duties. Any other commission member shall receive as exclusive compensation for his or her services one hundred dollars per diem, provided, however, that the total compensation paid to any such member shall not exceed twelve hundred dollars for any calendar year. A majority of members of such commission entitled to vote on a matter shall constitute a quorum for such issue. Decisions shall be made by majority vote of those present entitled to vote on a matter.

§ 2. Paragraph 1 of subdivision b of section 11-258 of the administrative code of the city of New York, as amended by local law number 73 for the year 1992, is amended to read as follows:

(1) The commission shall meet in nineteen hundred ninety-two [and], nineteen hundred ninety-five *and nineteen hundred ninety-nine* to determine the boundaries of the various areas which it is authorized to designate pursuant to this section. The areas designated by the commission in effect as of December thirty-first, nineteen hundred ninety-one shall remain in effect until the first taxable status date after the city council approves a new designation pursuant to paragraph (4) of this subdivision.

§ 3. Paragraph 2 of subdivision b of section 11-258 of the administrative code of the city of New York, as amended by local law number 73 for the year 1992, is amended to read as follows:

(2) Not later than [September fifteenth] *October first* of each year when areas are to be designated, the commission shall publish notice of proposed boundaries of areas to be designated, and the date, not earlier than [ten] *five* nor later than [thirty] *fifteen* days following the publication of such notice, on which the commission will hold a public hearing to hear all persons interested in the designation of areas. The notice required by this paragraph shall be published in the City Record and a newspaper of general circulation in the city, and copies thereof shall be forwarded to each council member and community board.

§ 4. Paragraph 4 of subdivision d of section 11-258 of the administrative code of the city of New York, as amended by local law number 58 for the year 1995, is amended to read as follows:

(4) Notwithstanding the provisions of paragraphs (1), (2) and (3) of this subdivision, the following areas in the borough of Manhattan shall be renovation exemption areas: (a) as of July 1, 1992 and until June 30, [1999] *2003*: the area in the borough of Manhattan lying south of the center line of 23rd Street; (b) as of July 1, 1992 and until January 31, 1995: the area in the borough of Manhattan lying south of the center line of 96th Street and north of the center line of 23rd Street; and (c) as of July 1, 1995 and until June 30, [1999] *2003*: the area in the borough of Manhattan lying south of the center line of 59th Street and north of the center line of 23rd Street.

§ 5. Subdivision e of section 11-258 of the administrative code of the city of New York, as added by local law number 58 for the year 1995, is amended to read as follows:

e. Notwithstanding the provisions of subdivision d of this section, the areas in the borough of Manhattan specified in paragraphs (1) and (2) of this subdivision, except the "Project Area" described in a lease held by the Battery Park City Authority as tenant and originally dated as of November 24, 1969 and thereafter from time to time amended, shall be new construction exemption areas: (1) as of July 1, 1995 and until December 31, 1996: the area in the borough of Manhattan lying south of the center line of 96th Street, excluding the area specified in paragraph (2) of this subdivision; and (2) as of July 1, 1995 and until June 30, [1999] *2003*: the area in the borough of Manhattan bounded by Murray Street on the north starting at the intersection of West Street and Murray Street; running easterly along the center line of Murray Street; connecting through city hall park with the [centerline] *center line* of Frankfort Street and running

easterly along the center line of Frankfort and Dover Streets to the intersection of Dover Street and South Street; running southerly along the center line of South Street to Peter Minuit Plaza; connecting through Peter Minuit Plaza to the center line of State Street and running northwesterly along the center line of State Street to the intersection of State Street and Battery Place; running westerly along the center line of Battery Place to the intersection of Battery Place and West Street; and running northerly along the center line of West Street to the intersection of West Street and Murray Street.

§ 6. Paragraph 4 of subdivision c of section 11-259 of the administrative code of the city of New York, as added by local law number 58 for the year 1995, is amended to read as follows:

(4) Notwithstanding paragraph (1) of this subdivision, an applicant may file an application for benefits pursuant to this part for renovation construction work for property located in the renovation exemption area specified in subparagraph (c) of paragraph (4) of subdivision d of section 11-258 of this part within sixty days of the date of enactment of [this paragraph that added this sentence] *local law number 58 for the year 1995*, regardless of whether a building permit for such work was issued before such application was filed, provided that such permit was not issued before February 1, 1995, and provided further that a final application is filed with, and accepted by, the department of finance, on or before December 31, 1995. The department of finance shall issue a certificate of eligibility to such an applicant upon determining that the applicant satisfied all other requirements of this part. The effective date of such certificate shall be the date of acceptance by the department of finance of a final application containing such information as prescribed by rule of the department of finance. No benefits pursuant to this part shall be granted for construction work performed before the effective date of such certificate of eligibility.

§ 7. Subdivision a of section 11-260 of the administrative code of the city of New York, as amended by local law number 58 for the year 1995, is amended to read as follows:

a. Application for a certificate of eligibility pursuant to this part may be made immediately and continuing until June thirtieth, [nineteen hundred ninety-nine] *two thousand three*; provided, however, that application for a certificate of eligibility for renovation construction work for property located in the renovation exemption area specified in subparagraph (b) of paragraph (4) of subdivision d of section 11-258 of this part may not be made after January 31, 1995; provided, further, however, that application for a certificate of eligibility for construction of a new building or structure that meets the requirements set forth in subdivision i of section 11-259 of this part in the new construction exemption area specified in paragraph (1) of subdivision e of section 11-258 of this part may not be made after December 31, 1996; and provided, further, however, that no benefits pursuant to this part shall be granted for construction work performed pursuant to a building permit issued after July 31, [1999] *2003*. Such application shall state whether it is for industrial, commercial or renovation construction work, and shall be filed with the department of finance. In addition to any other information required by such department, the application shall include cost estimates or bids for the proposed construction and an affidavit of a professional engineer or architect of the applicant's choice, certifying that detailed plans for the construction work have been

submitted to the department of buildings. Such application shall also state that the applicant agrees to comply with and be subject to the rules issued from time to time by the department of finance to secure compliance with all applicable city, state and federal laws or which implement mayoral directives and executive orders designed to ensure equal employment opportunity. Such application shall also certify that all taxes currently due and owing on the property which is the subject of the application have been paid or are currently being paid in timely installments pursuant to written agreement with the department of finance.

§ 8. Subdivision d of section 11-260 of the administrative code of the city of New York, as amended by local law number 58 for the year 1995, is amended to read as follows:

d. The department of finance shall issue a certificate of eligibility upon determining that the applicant satisfies the requirements for industrial, commercial or renovation construction work in an area where benefits are available for such work. Such certificate shall state whether such benefits are to be granted for industrial, commercial or renovation construction work, and in which class of area the property is located. The effective date of such certificate, except as provided in paragraph (2) or paragraph (4) of subdivision c of section 11-259 of this part, shall be the earlier of (1) the date on which a building permit for the construction work is issued by the department of buildings, or (2) the last day before the effective date of any designation of boundaries by the commission which changes the class of area in which the property is located so as to reduce the level of benefits for commercial construction work on such property. Where the effective date of the certificate of eligibility is July 1, 1992 or after, the benefits granted for industrial, commercial or renovation construction work pursuant to this part shall be in accordance with the provisions of this part as amended by [the provisions of] local law number 73 for the year 1992, [and as amended by the provisions of] local law number 40 for the year 1994 [and as further amended by the provisions of the], local law [which added this clause] *number 58 for the year 1995 and the local law for the year 1999 that added this clause*. Where the effective date of the certificate of eligibility is June 30, 1992 or before, the benefits granted for industrial or commercial construction work pursuant to this part shall be in accordance with the provisions of this part as it was in effect until June 30, 1992 immediately prior to its amendment by local law number 73 for the year 1992. No recipient whose property is the subject of a certificate of eligibility for commercial construction work in a deferral area shall be eligible to apply for a certificate of eligibility for renovation construction work on the same property, where the renovation construction work is the same as, or similar to, the commercial construction work for which the deferral area certificate was issued, until three years after the effective date of the deferral area certificate. No recipient shall receive a tax deferral and a tax exemption for the same expenditure on eligible construction work.

§ 9. Paragraph 7 of subdivision a of section 11-263 of the administrative code of the city of New York is amended to read as follows:

(7) To make and promulgate regulations to carry out the purposes of this part including, but not limited to, regulations requiring applicants to publish notice of their applications, defining manufacturing and commercial activities and specifying the nature of work for which expenses may be included in the minimum required expendi-

ture, provided, however, that any regulation increasing the minimum required expenditure shall not apply to any person who is a recipient on the effective date of such regulation. Such regulations shall include a requirement that with respect to the construction work recipients and their contractors shall be equal opportunity employers and shall also provide that [any person] *persons* employed in the construction work shall implement a [trainee] *training* program for economically disadvantaged persons *enrolled or eligible to be enrolled in training programs approved by the department of labor*, with particular reference to city residents.

§ 10. This local law shall take effect July 1, 1999, except that if it shall have become a law subsequent to such date, it shall take effect immediately and shall be retroactive to and deemed to have been in full force and effect as of July 1, 1999, and except that this local law shall not take effect earlier than the effective date of a chapter of the laws of 1999 amending the real property tax law, in relation to extending for four years the time to apply for certain benefits under the industrial and commercial incentive program in a city having a population of one million or more and in relation to the temporary commercial incentive area boundary commission for such program, as proposed in legislative bill number A.30000.

THE CITY OF NEW YORK, OFFICE OF THE CITY CLERK, s.s.:

I hereby certify that the foregoing is a true copy of a local law of The City of New York, passed by the Council on August 11, 1999, and approved by the Mayor on August 26, 1999.

CARLOS CUEVAS, City Clerk, Clerk of the Council

CERTIFICATION PURSUANT TO MUNICIPAL HOME RULE LAW § 27

Pursuant to the provisions of Municipal Home Rule Law § 27, I hereby certify that the enclosed local law (Local Law 44 of 1999, Council Int. No. 609) contains the correct text and:

Received the following vote at the meeting of the New York City Council on August 11, 1999: 37 FOR, 6 AGAINST, 0 NOT VOTING.

Was signed by the Mayor on August 26, 1999.

Was returned to the City Clerk on August 27, 1999.

JEFFREY D. FRIEDLANDER, Acting Corporation Counsel