

FY 2024 Executive Budget Amendments

**Amendments to Senate S.4006; Assembly A.3006
(ELFA Article VII Bill)**

Part F, relating to enacting the new home targets and fast-track approval act, is amended to:

- Update the reference to community district.

Part G, relating to requiring certain densities of residential dwellings near transit stations, is amended to:

- Make various technical amendments.

Part N, relating to authorizing a city, town or village other than a city with a population of one million or more to provide by local law for a tax exemption for new construction of eligible rental multiple dwellings, is amended to:

- Clarify the definition of benefit period.

1 procedure, comprehensive plan, site plan, subdivision plan, criteria,
2 rule, regulation, or requirement of a local agency.

3 8. "Land use requirements" shall mean any and all local laws, ordi-
4 nances, resolutions, or regulations, that shall be adopted or enacted
5 under this chapter, the municipal home rule law, or any general, special
6 or other law pertaining to land use, and shall include but not be limit-
7 ed to a locality's:

8 a. written or other comprehensive plan or plans;

9 b. zoning ordinance, local laws, resolutions, or regulations;

10 c. special use permit, special exception permit, or special permit
11 ordinance, local laws, resolutions, or regulations;

12 d. subdivision ordinance, local laws, resolutions, or regulations;

13 e. site plan review ordinance, local laws, resolutions, or regu-
14 lations; and

15 f. policies or procedures, or any planning, zoning, or other regulato-
16 ry tool that controls or establishes standards for the use and occupancy
17 of land, the area and dimensional requirements for the development of
18 land, or the intensity of such development.

19 9. "Lead agency equivalent" shall be defined as any legislative body
20 of a locality, planning board, zoning board of appeals, planning divi-
21 sion, planning commission, board of standards and appeals, board of
22 zoning appeals, or any official or employee, or any other agency,
23 department, board or other entity related to a locality with the author-
24 ity to approve or disapprove of any specific project or amendment to any
25 land use requirements as defined in this article.

26 10. "Locality" shall refer to all cities, towns, or villages that
27 regulate land use pursuant to the general city law, the town law, the
28 village law, or other state law, as applicable. Provided further that in
29 a city with a population of one million or more, "locality" shall refer
30 to a community board district as defined by chapter sixty-nine of the
31 charter of the city of New York. Provided further that "locality" shall
32 refer to any city, town, or village within a county, where such county
33 regulates or otherwise has approval authority over land use require-
34 ments.

35 11. "Metropolitan transportation commuter district" shall refer to the
36 counties of the Bronx, Kings (Brooklyn), New York, Richmond (Staten
37 Island), Queens, Westchester, Orange, Putnam, Dutchess, Rockland,
38 Nassau, and Suffolk.

39 12. "Objective standards" shall be defined as standards that involve
40 no personal or subjective judgment by a public official or employee and
41 are uniformly verifiable by reference to a publicly available and
42 uniform benchmark or criterion available and knowable by both the devel-
43 opment applicant and the public official or employee before submittal of
44 a residential land use application.

45 13. "Previously disturbed land" shall mean a parcel or lot of land
46 that was occupied or formerly occupied by a building or otherwise
47 improved or utilized that is not located in a 100-year floodplain or was
48 not being used for commercial agricultural purposes as of the effective
49 date of this article.

50 14. "Qualifying project" shall refer to an application that is for at
51 least ten dwelling units in localities not located in the metropolitan
52 transportation commuter district or at least twenty dwelling units in
53 localities located in the metropolitan transportation commuter district
54 and at least twenty percent of the dwelling units are affordable housing
55 units restricted to households at or below fifty percent of the area
56 median income or supportive dwelling units, or at least twenty-five

1 (A) The capacity of local infrastructure to provide adequate drinking
2 water and wastewater services to the proposed project;

3 (B) The capacity of local infrastructure to provide adequate utility
4 services to the proposed project; and

5 (C) The aesthetics of the proposed project, provided that any aesthet-
6 ic review must be based on published objective standards. If no objec-
7 tive standards are published, no transit-oriented development review
8 process may consider aesthetics, and provided further that no aesthetic
9 requirements shall increase the cost of a qualifying project to make
10 such project as proposed economically infeasible.

11 All proposed actions subject to review pursuant to a transit-oriented
12 development review process shall be exempt from any environmental review
13 requirements pursuant to article eight of the environmental conservation
14 law and any rules and regulations promulgated thereto, and any local
15 equivalent law, regulation or rule. Provided further that nothing set
16 forth in this paragraph shall be interpreted to override or otherwise
17 waive any permitting required pursuant to state or federal laws or regu-
18 lations, unless specifically set forth herein.

19 (q) "Tier 1 qualifying transit station" shall be defined as any rail
20 station, including subway stations, within the state of New York that is
21 not operated on an exclusively seasonal basis and that is owned, oper-
22 ated or otherwise served by metro-north railroad, the Long Island rail-
23 road, the port authority of New York and New Jersey, the New Jersey
24 transit corporation, the New York city transit authority, or the metro-
25 politan transportation authority where any portion of such station is
26 located ~~either within a town with a population of greater than one~~
27 ~~million people, or~~ no more than fifteen miles from the nearest border of

28 a city with a population of greater than one million people, as measured
29 on a straight line from such city's nearest border to such rail station.

30 (r) "Tier 2 qualifying transit station" shall be defined as any rail
31 station, including subway stations, within the state of New York that is
32 not operated on an exclusively seasonal basis and that is owned, oper-
33 ated or otherwise served by metro-north railroad, the Long Island rail-
34 road, the port authority of New York and New Jersey, the New Jersey
35 transit corporation, the New York city transit authority, or the metro-
36 politan transportation authority where any portion of such station is
37 located more than fifteen and no more than thirty miles from the nearest
38 border of a city with a population of greater than one million people,
39 as measured on a straight line from such city's nearest border to such
40 rail station.

41 (s) "Tier 3 qualifying transit station" shall be defined as any rail
42 station, including subway stations, within the state of New York that is
43 not operated on an exclusively seasonal basis and that is owned, oper-
44 ated or otherwise served by metro-north railroad, the Long Island rail-
45 road, the port authority of New York and New Jersey, the New Jersey
46 transit corporation, the New York city transit authority, or the metro-
47 politan transportation authority where any portion of such station is
48 located more than thirty and no more than fifty miles from the nearest
49 border of a city with a population of greater than one million people,
50 as measured on a straight line from such city's nearest border to such
51 rail station.

52 (t) "Tier 4 qualifying transit station" shall be defined as any rail
53 station, including subway stations, within the state of New York that is
54 not operated on an exclusively seasonal basis and that is owned, oper-
55 ated or otherwise served by metro-north railroad, the Long Island rail-
56 road, the port authority of New York and New Jersey, the New Jersey

1 within a transit-oriented development zone and which will be connected
2 to publicly-owned water and sewage systems.

3 (m) "Registered historic sites" shall be defined as sites, districts,
4 structures, landmarks, or buildings listed on the state register of
5 historic places as of the effective date of this section.

6 (n) "Residential dwellings" shall be defined as any building or struc-
7 ture or portion thereof which is legally occupied in whole or in part as
8 the home, residence or sleeping place of one or more human beings,
9 however the term does not include any class B multiple dwellings as
10 defined in section four of the multiple dwelling law or housing that is
11 intended to be used on a seasonal basis.

12 (o) "Residential zone" shall be defined as any land within a transit-
13 oriented development zone wherein residential dwellings are permitted as
14 of the effective date of this section.

15 (p) "Transit-oriented development review process" is the process by
16 which all project specific reviews in a transit-oriented development
17 zone and all other land use actions undertaken pursuant to this section
18 shall be reviewed, which shall:

19 (i) Be completed with approval or denial delivered to the applying
20 party within one hundred twenty days of the application being submitted;
21 and

22 (ii) Be limited to a review of the following:

23 (A) The capacity of local infrastructure to provide adequate drinking
24 water and wastewater services to the proposed project;

25 (B) The capacity of local infrastructure to provide adequate utility
26 services to the proposed project; and

27 (C) The aesthetics of the proposed project, provided that any aesthet-
28 ic review must be based on published objective standards. If no objec-
29 tive standards are published, no transit-oriented development review
30 process may consider aesthetics, and provided further that no aesthetic
31 requirements shall increase the cost of a qualifying project to make
32 such project as proposed economically infeasible.

33 All proposed actions subject to review pursuant to a transit-oriented
34 development review process shall be exempt from any environmental review
35 requirements pursuant to article eight of the environmental conservation
36 law and any rules and regulations promulgated thereto, and any local
37 equivalent law, regulation or rule. Provided further that nothing set
38 forth in this paragraph shall be interpreted to override or otherwise
39 waive any permitting required pursuant to state or federal laws or regu-
40 lations, unless specifically set forth herein.

41 (q) "Tier 1 qualifying transit station" shall be defined as any rail
42 station, including subway stations, within the state of New York that is
43 not operated on an exclusively seasonal basis and that is owned, oper-
44 ated or otherwise served by metro-north railroad, the Long Island rail-
45 road, the port authority of New York and New Jersey, the New Jersey
46 transit corporation, the New York city transit authority, or the metro-
47 politan transportation authority where any portion of such station is
48 located ~~either within a village with a population of greater than one~~
49 ~~million people, or~~ no more than fifteen miles from the nearest border of

50 a city with a population of greater than one million people, as measured
51 on a straight line from such city's nearest border to such rail station.

52 (r) "Tier 2 qualifying transit station" shall be defined as any rail
53 station, including subway stations, within the state of New York that is
54 not operated on an exclusively seasonal basis and that is owned, oper-
55 ated or otherwise served by metro-north railroad, the Long Island rail-
56 road, the port authority of New York and New Jersey, the New Jersey

1 or ordinance may restrict, limit or condition the eligibility, scope or
 2 amount of rehabilitation program benefits under the local law or ordi-
 3 nance in any manner, provided that the local law or ordinance may not
 4 grant rehabilitation program benefits beyond those provided in this
 5 subdivision.

6 § 2. This act shall take effect immediately.

7

PART N

8 Section 1. The real property tax law is amended by adding a new
 9 section 421-p to read as follows:

10 § 421-p. Exemption of newly-constructed rental multiple dwellings. 1.

11 (a) A city, town or village may, by local law, provide for the exemption
 12 of rental multiple dwellings constructed in a benefit area designated in
 13 such local law from taxation and special ad valorem levies, as provided
 14 in this section. Subsequent to the adoption of such a local law, any
 15 other municipal corporation in which the designated benefit area is
 16 located may likewise exempt such property from its taxation and special
 17 ad valorem levies by local law, or in the case of a school district, by
 18 resolution.

19 (b) As used in this section, the term "benefit area" means the area
 20 within a city, town or village, designated by local law, to which an
 21 exemption, established pursuant to this section, applies.

22 (c) The term "rental multiple dwelling" means a structure, other than
 23 a hotel, consisting of twenty or more dwelling units, where all of the
 24 units are rented for residential purposes, and at least twenty percent
 25 of such units, upon initial rental and upon each subsequent rental
 26 following a vacancy during the ~~restriction period or extended~~
 27 ~~restriction period, as applicable,~~ benefit period is affordable to and
 restricted to

28 occupancy by individuals or families whose household income does not
 29 exceed eighty percent of the area median income, adjusted for family
 30 size, on average, at the time that such households initially occupy such
 31 dwelling units, provided further that all of the income restricted units
 32 upon initial rental and upon each subsequent rental following a vacancy
 33 during the ~~restriction period or extended restriction period, as appli-~~
 34 ~~cable,~~ benefit period shall be affordable to and restricted to occupancy
 by individuals

35 or families whose household income does not exceed one hundred percent
 36 of the area median income, adjusted for family size, at the time that
 37 such households initially occupy such dwelling units. Such restriction
 38 period shall be in effect coterminous with the benefit period, provided,
 39 however, that the tenant or tenants in an income restricted dwelling
 40 unit at the time such restriction period ends shall have the right to
 41 lease renewals at the income restricted level until such time as such
 42 tenant or tenants permanently vacate the dwelling unit.

43 2. Eligible newly-constructed rental multiple dwellings in a desig-
 44 nated benefit area shall be wholly exempt from taxation while under
 45 construction, subject to a maximum of three years. Such property shall
 46 then be exempt for an additional period of twenty-five years, provided,
 47 that the exemption percentage during such additional period of twenty-
 48 five years shall begin at ninety-six percent and shall decrease by four
 49 percent each year thereafter. Provided, however:

50 (a) Taxes shall be paid during the exemption period in an amount at
 51 least equal to the taxes paid on such land and any improvements thereon
 52 during the tax year preceding the commencement of such exemption.

53 (b) No other exemption may be granted concurrently to the same
 54 improvements under any other section of law.