

Economic Growth & Development Committee
Planning & Community Development Agenda
October 25, 2022

COMMITTEE MEMBERS: Supervisors **WILD**, McDevitt, Hogan, Strough, Leggett, Frasier, Magowan - *Chair of the Board shall serve as an Ex-Officio member when needed in accordance with the Section C(4) of the Rules of the Board*

- I. Committee meeting called to order by Chair
- II. Approval of minutes of prior Committee Meeting
- III. Action Agenda/New Business Items:
 1. Request: Update County Fair Housing Policy
Rationale: As a recipient of CDBG funding, the County is required to adopt a Fair Housing Plan that conforms to Title VI of the Civil Rights Act of 1964, Title VIII of the Civil Rights Act of 1968, Fair Housing Amendments Act of 1988 and the Human Rights Law (Executive Law, Article 15 of the State of New York) The last update to the Plan was accomplished in 1991 and it is in the best interests of the County to ensure compliance with all Fair Housing rules and regulations.
 2. Request: Transfer \$3000 from part-time salaries to overtime
Rationale: Overtime pay for Office Specialist
 3. Request: Enter into a contract with LaBella Associates to create a Countywide Comprehensive Plan
Rationale: consultant chosen as winning bid for RFP WC 37-22
 4. Request: Local Law #5 of 2022 entitled "A Local Law Providing That No Exemption Under Real Property Tax Law Section 487 Be Applicable Within the Jurisdiction of The County of Warren With Respect to Any Solar or Wind Energy System or Farm Waste Energy System"
Rationale: Referral from Personnel, Admin & Higher Education Committee
- IV. Discussion Items:
 1. New funding opportunity – RESTORE grant
 2. Update on current projects
- V. Referrals/Pending Items:
 1. Referral from the Personnel, Administration & High Education Committee to explore the economic impact it would have on the County if a Local Law was adopted opting out of section 487(9) of the Real Property Tax Law. (09.01.22) – see agenda action item#4 above.
- VI. Privilege of the floor and public comment (please allow for 15 second delay on live stream meetings)
- VII. Motion to adjourn

Attachments:

1. Reso request #20 – Update Fair Housing Policy
2. Reso request #7 – Transfer to cover overtime pay for Office Specialist
3. Reso request #3 – Enter into a contract with LaBella for Countywide Comprehensive Plan
4. Reso request #20 – Local Law No. 5 of 2022

RESOLUTION REQUEST FORM NO. 20

MISCELLANEOUS

****Please List All Other Requests Not Covered by Previous Resolution Request Forms Here.
Please attach any backup information available and be as detailed as possible.***

DEPARTMENT NAME: Planning and Community Development

DATE: October 2022

- (a) Purpose of Request: Update County Fair Housing Policy

- (b) Details: See below

- (c) Previous Resolution Number: R231 of 1991

- (d) Where are the Funds (if required)? List Budget Code, Object Code, Full Title* and Amount: N/A

Sample: A.8021 470 Planning & Community Development – Contract

* as listed in budget and LOGOS

As a recipient of CDBG funding, the County is required to adopt a Fair Housing Plan that conforms to Title VI of the Civil Rights Act of 1964, Title VIII of the Civil Rights Act of 1968, Fair Housing Amendments Act of 1988 and the Human Rights Law (Executive Law, Article 15 of the State of New York) The last update to the Plan was accomplished in 1991 and it is in the best interests of the County to ensure compliance with all Fair Housing rules and regulations.

Warren County Fair Housing Policy and Plan

1. Introduction:

Warren County is committed to prohibiting discrimination as it concerns the rental or sale of housing, the application for a mortgage and housing assistance or other housing related activities for private and public housing and housing receiving assistance under federal and state programs. The County, in accordance with the federal Fair Housing Act, prohibits discrimination in housing because of race, color, national origin, religion, gender identity and sexual orientation, familial status and disability.

The County, as a recipient of federal Community Development Block Grant funding, seeks to ensure that residents are aware of the most current fair housing provisions under federal and state laws. This will include information, processes and assistance available to ensure compliance with the existing fair housing statutes. Warren County has developed a Fair Housing Plan that describes pertinent information, processes, and procedures to further fair housing in all communities.

The Warren County Fair Housing Plan identifies references to information concerning the Civil Rights Act of 1964 and 1968, the federal Fair Housing Act, state and federal housing laws, related Executive Orders, amendments to Title 1 of the Housing and Community Development Act of 1968 (Section 3) and 1974 (Section 109) as amended, the Rehabilitation Act of 1973, as amended, the Americans with Disability Act, the Age Discrimination Act, Equal Opportunity Provisions as specified under HUD Contracts and HUD Assisted Construction Contracts, the Human Rights Law of the State of New York (Article 15).

2. Appointments:

The Warren County Fair Housing Plan establishes a Fair Housing Officer. The County's Fair Housing Plan recognizes the importance of establishing a Fair Housing Officer to provide essential information to the public concerning the elements of the Fair Housing Act, assisting persons with processing complaints to ensure fair and equal treatment for all persons concerning the Fair Housing Act.

The Fair Housing Officer, will be the Director of Planning, appointed by the County Board of Supervisors, and has the following responsibilities:

- Maintains federal and state fair housing information on the Warren County Planning Department Website including brochures issued by the U.S. Department of Housing and Urban Development (HUD) and the New York State Division of Human Rights.
- Records and maintains information regarding housing discrimination complaints on designated Warren County forms and reports annually to the Warren County Administrator.

- Forwards copies of all complaints to, and as appropriate, consults with the Fair Housing/Equal Opportunity Division of the applicable HUD Office and/or to the NYS Office of Fair Housing and Equal Opportunity within the NYS Division of Housing and Community Renewal.

3. Provide Information and Identify Relevant Resources

Warren County will make available, upon request, copies of applicable federal and state laws which contain anti-discrimination provisions, including Title VI of the Civil Rights Act of 1964, Title VIII of the Civil Rights Act of 1968, Fair Housing Amendments Act of 1988 and the Human Rights Law (Executive Law, Article 15 of the State of New York) as well as other related information on Laws and Executive Orders.

Warren County will promote Fair Housing through local legislative actions, media announcements and funding assistance requests for housing that benefit low- and moderate-income persons.

- A. The County will designate the month of April as *Fair Housing Month* and will promote this designation through the Warren County Board of Supervisors proclamation.
- B. The County will further promote fair housing and available housing assistance resources through the Warren County Planning Department Website and other social media as may be appropriate. Efforts will be undertaken to promote Fair Housing through public awareness posters to be located within all County buildings to bring attention to the County's efforts furthering Fair Housing and available assistance provided by the County's Fair Housing Officer.
- C. The County will actively pursue federal and state housing funding resources that primarily assist persons that are low and moderate income. The County will implement programs to increase the supply of affordable housing consistent with planning initiatives such as the County's Housing Needs Study and Market Demand Analysis (2023) and the Warren County Comprehensive Plan (2023). The County will enlist the support of other county departments and local housing agencies to provide information on housing availability and related issues that impact fair housing choice within local communities.
 - a) Warren County will promote the standards of the County Fair Housing Plan to be referenced in contracts for projects that include Community Development Block Grant (CDBG) funding as well as the promotion of equal employment opportunities consistent with the Section 3 guidelines of the CDBG program.
 - b) Take affirmative steps to ensure that all residents, regardless of

economic, racial, or ethnic status, are informed of housing assistance and other services.

- c) Demonstrate that there is equal access and fair treatment to all persons concerning housing assistance program availability.
 - d) Take affirmative steps to promote fair and equal housing within all Warren County communities.
 - e) Affirmatively further fair housing accessibility for persons with disabilities.
- D. All CDBG funded projects for which the County is the recipient, whether it is for housing, infrastructure, or economic development, attention to the civil rights, fair housing, and equal opportunity for the CDBG project must be all inclusive, from the initial program design to project closeout.
- E. The County shall incorporate and promote fair housing opportunities in the County's Comprehensive Plan.
- F. The County shall notify local banks and realtors of fair housing activities and enlist their support and active participation.

4. Discrimination Complaints and Notification Process

The County will assist individuals who provide credible information that they have been a victim of discrimination with regards to housing.

- A. **Discriminatory Housing Practices:** For the purpose of this Plan, a discriminatory housing practice means an act that is unlawful under sections 804, 805, 806 or 818 of the Fair Housing Act (Title VIII of the Civil Rights Act of 1968, as amended). Such discriminatory housing practices include discrimination in the sale or rental of housing, discrimination in the provision of brokerage services, or interference, coercion, or intimidation, as defined under the Act, on the basis of race, color, religion, national origin, gender identity and sexual orientation, disability or familial status.
- B. **Receiving Complaints:** The Fair Housing Officer will record information on a standard form to ensure that a complete file is established. Following this, the Fair Housing Officer will contact the appropriate office within the federal Department of Housing and Urban Development and/or the New York State Division of Human Rights to review the details of the complaint and request guidance in the formal filing of the complaint. This will only be undertaken with an official signed request by the individual(s) filing the formal complaint.
- C. Copies of all complaint document forms will also be forwarded to the Fair

Housing and Equal Opportunity Division of the HUD Office in Buffalo, New York. If the complainant decides to take his/her case directly to Federal Court, the County will refer the complainant to the Lawyer Referral and Information Service Hotline, sponsored by the New York State Bar Association for securing affordable legal services, if required.

5. Attachments

Documents related to fair housing and evidence of actions taken by the County are attached and incorporated into the Warren County Fair Housing Plan.

RESOLUTION REQUEST FORM NO. 7

Request to Amend County Budget*

****If this is the result of a grant award, also complete and submit Form No. 5 or 6***

DEPARTMENT NAME: Planning and Community Development

DATE: October 2022

(a) Purpose of Amendment:

Increase overtime balance

(b) Appropriation Code, Object Code, Full Title and Amount:

A 8021 120 overtime \$3,000

Sample: A.1010 470 Legislative Board – Contract

(c) Revenue Code (with title), and Amount:

A 8021 130 Part Time Salaries \$3,000

Sample: A. 6417.2654 Tourism Occupancy – Minor Sales – Tourism

*Please note all amount must be in whole dollars – no cents.

RESOLUTION REQUEST FORM NO. 3

Request for New Contract

DEPARTMENT NAME: Planning and Community Development

DATE: October 2022

- (a) Is this a Result of a Bid or Request for Proposal? RFP WC 37-22
- (b) Purpose of Contract: Warren County Comprehensive Plan
- (c) Name of Contractor: LaBella Associates D P C
- (d) Address of Contractor: 20 Elm Street, Suite 110, Glens Falls, NY 12801
- (e) Contractor's Contact Person and Telephone Number: Christopher Round 518.824.1938
- (f) Has or will the Contract be provided, if so, please attach:
- (g) Commencement Date of Contract: November 2022
- (h) Termination Date of Contract: November 2024
- (i) Payment Provisions: i) lump sum amount \$199,964
ii) hourly rate amount
iii) total amount not to exceed
iv) how will payments be made (i.e. monthly, quarterly, upon completion of the project, etc. Monthly
- (j) Where are the Funds for this Contract? List Budget Code, Object Code, Full Title* and Amount: **OR** Capital Project **OR** Capital Reserve Project Number, Title, and Amount: A8020 470 contracts \$199,964.00

**Sample: A.1010 470 Legislative Board – Contract \$xx.xx
Capital Project No. H289.9550 480 – Old Jail Renovations \$xx.xx**

*as listed in budget and LOGOS

RESOLUTION REQUEST FORM NO. 20

MISCELLANEOUS

**Please List All Other Requests Not Covered by Previous Resolution Request Forms Here.
Please attach any backup information available and be as detailed as possible.*

DEPARTMENT NAME: County Attorney

DATE: 10/25/22

- (a) Purpose of Request: **Introducing Local Law No. 5 of 2022 entitled "A Local Law Providing That No Exemption Under Real Property Tax Law Section 487 Be Applicable Within The Jurisdiction of The County of Warren With Respect to Any Solar or Wind Energy System or Farm Waste Energy System"**
- (b) Details: **Draft Attached**
- (c) Previous Resolution Number: **N/A**
- (d) Where are the Funds (if required)? List Budget Code, Object Code, Full Title* and Amount:

Sample: A.8021 470 Planning & Community Development – Contract

* as listed in budget and LOGOS

Warren County Board of Supervisors

RESOLUTION NO. ___ OF 2022

Resolution introduced by Supervisors Wild, McDevitt, Hogan, Strough, Leggett, Frasier and Macgowan

INTRODUCING PROPOSED LOCAL LAW NO. 5 OF 2022, ENTITLED “A LOCAL LAW PROVIDING THAT NO EXEMPTION UNDER REAL PROPERTY TAX LAW SECTION 487 BE APPLICABLE WITHIN THE JURISDICTION OF THE COUNTY OF WARREN WITH RESPECT TO ANY SOLAR OR WIND ENERGY SYSTEM OR FARM WASTE ENERGY SYSTEM,” AND AUTHORIZING PUBLIC A HEARING THEREON

RESOLVED, that proposed Local Law No. 5 of 2022 entitled “A Local Law Providing That No Exemption Under Real Property Tax Law Section 487 Be Applicable Within The Jurisdiction of The County of Warren With Respect to Any Solar or Wind Energy System or Farm Waste Energy System,” attached hereto and made a part hereof, be, and the same hereby is, introduced before the Warren County Board of Supervisors, and in order to give interested members of the public the opportunity to be heard thereon, the Board of Supervisors shall hold a public hearing at the Supervisors’ Rooms in the Warren County Municipal Center on the 16th day of December, 2022, at 10:00 a.m., on the matter of the adoption of said proposed Local Law No. 5 of 2022, and be it further

RESOLVED, that the Clerk of the Board of Supervisors be, and hereby is, authorized and directed to give notice of such public hearing in the manner provided by law.

COUNTY OF WARREN
PROPOSED LOCAL LAW NO. 5 OF 2022

A LOCAL LAW PROVIDING THAT NO EXEMPTION UNDER REAL PROPERTY TAX
LAW SECTION 487 BE APPLICABLE WITHIN THE JURISDICTION OF THE COUNTY OF
WARREN WITH RESPECT TO ANY SOLAR OR WIND ENERGY SYSTEM OR FARM
WASTE ENERGY SYSTEM

BE IT ENACTED, by the Board of Supervisors of the County of Warren, New York, as follows:

SECTION 1. TITLE. This Local Law shall be entitled “A Local Law Providing That No Exemption Under Real Property Tax Law Section 487 Be Applicable Within The Jurisdiction of The County of Warren With Respect to Any Solar or Wind Energy System or Farm Waste Energy System.

SECTION 2. LEGISLATIVE INTENT. It is the intent of this Local Law to provide no exemption from County taxation for solar or wind energy systems and farm waste energy systems, as those terms are defined by sections 487(1)(b) & (f) of the Real Property Tax Law, which began construction subsequent to the effective date for this Local Law.

SECTION 3. NO EXEMPTION FROM TAXATION. No exemption from County taxation shall be applicable with respect to any solar or wind energy system or farm waste energy system, as those terms are defined by sections 487(1)(b) & (f) of the Real Property Tax Law, within the jurisdiction of the County of Warren.

SECTION 4. EFFECTIVE DATE. This Local Law shall take effect immediately upon passage.

SECTION 5. SEVERABILITY. In the event that any provision of this Local Law shall be determined by a Court of Law to be illegal and/or unenforceable, the Local Law, to the extent the Courts have determined practical shall continue in full force and effect as if the said illegal or unenforceable provision were not contained a part thereof.

NY CLS RPTL § 487

Current through 2022 released Chapters 1-500

*New York Consolidated Laws Service > Real Property Tax Law (Arts. 1 — 20) > Article 4
Exemptions (Titles 1 — 6) > Title 2 Private Property (§§ 420 — 489)*

§ 487. Exemption from taxation for certain energy systems

1. As used in this section:

- (a) "Solar or wind energy equipment" means collectors, controls, energy storage devices, heat pumps and pumps, heat exchangers, windmills, and other materials, hardware or equipment necessary to the process by which solar radiation or wind is (i) collected, (ii) converted into another form of energy such as thermal, electrical, mechanical or chemical, (iii) stored, (iv) protected from unnecessary dissipation and (v) distributed. It does not include pipes, controls, insulation or other equipment which are part of the normal heating, cooling, or insulation system of a building. It does include insulated glazing or insulation to the extent that such materials exceed the energy efficiency standards required by law.
- (b) "Solar or wind energy system" means an arrangement or combination of solar or wind energy equipment designed to provide heating, cooling, hot water, or mechanical, chemical, or electrical energy by the collection of solar or wind energy and its conversion, storage, protection and distribution.
- (c) "Authority" means the New York state energy research and development authority.
- (d) "Incremental cost" means the increased cost of a solar or wind energy system or farm waste energy system or component thereof which also serves as part of the building structure, above that for similar conventional construction, which enables its use as a solar or wind energy or farm waste energy system or component.
- (e) "Farm waste electric generating equipment" means equipment that generates electric energy from biogas produced by the anaerobic digestion of agricultural waste, such as livestock manure, farming waste and food processing wastes with a rated capacity of not more than one thousand kilowatts that is (i) manufactured, installed and operated in accordance with applicable government and industry standards, (ii) connected to the electric system and operated in conjunction with an electric corporation's transmission and distribution facilities, (iii) operated in compliance with the provisions of section sixty-six-j of the public service law, (iv) fueled at a minimum of ninety percent on an annual basis by biogas produced from the anaerobic digestion of agricultural waste such as livestock manure materials, crop residues and food processing wastes, and (v) fueled by biogas generated by anaerobic digestion with at least fifty percent by weight of its feedstock being livestock manure materials on an annual basis.
- (f) "Farm waste energy system" means an arrangement or combination of farm waste electric generating equipment or other materials, hardware or equipment necessary to the process by which agricultural waste biogas is produced, collected, stored, cleaned, and converted into forms of energy such as thermal, electrical, mechanical or chemical and by which the biogas and converted energy are distributed on-site. It does not include pipes, controls, insulation or other equipment which are part of the normal heating, cooling or insulation system of a building.
- (g) "Micro-hydroelectric energy equipment" means any energy storage device, penstock, turbine, generator and other materials, hardware and equipment necessary to the process by which the flow of stream or river water or water from other water bodies is (i) converted into electrical energy; (ii)

NY CLS RPTL § 487

protected from unnecessary dissipation; and (iii) distributed. It does not include pipes, controls, insulation or other equipment which are part of the normal heating, cooling, or insulation system of a building. It does not include insulated glazing or insulation to the extent that such materials exceed the energy efficiency standards established by law.

(h) "Micro-hydroelectric energy system" means an arrangement or combination of micro-hydroelectric energy equipment designed to provide electrical energy by the use of flowing water. It does not include pipes, controls, insulation or other equipment which are part of the normal heating, cooling, or insulation system of a building. It does not include insulated glazing or insulation to the extent that such materials exceed the energy efficiency standards established by law.

(i) "Fuel cell electric generating equipment" means a solid oxide, molten carbonate, proton exchange membrane or phosphoric acid fuel cell with a combined rated capacity of not more than two thousand kilowatts. It does not include insulated glazing or insulation to the extent that such materials exceed the energy efficiency standards established by law.

(j) "Fuel cell electric generating system" means an arrangement or combination of equipment designed to produce electrical energy through reaction of chemicals, including but not limited to hydrogen, oxygen, methane and natural gas.

(k) "Micro-combined heat and power generating equipment" means an integrated, cogenerating building heating and electrical power generation system, owned, leased or operated by a residential customer, located at such customer's premises, operating on any fuel and of any applicable engine, fuel cell, fuel-flexible linear generator or other technology with a rated capacity of at least one kilowatt and not more than ten kilowatts electric and any thermal output that has a design total fuel use efficiency in the production of heat and electricity of not less than eighty percent, and annually produces at least two thousand kilowatt hours of useful energy in the form of electricity that may work in combination with supplemental or parallel conventional heating systems, that is manufactured, installed and operated in accordance with applicable government and industry standards, that is connected to the electric system and operated in conjunction with an electric corporation's transmission and distribution facilities. It does not include pipes, controls, insulation or other equipment which are part of the normal heating, cooling, or insulation system of a building. It does not include insulated glazing or insulation to the extent that such materials exceed the energy efficiency standards established by law.

(l) "Micro-combined heat and power generating equipment system" means an arrangement or combination of equipment designed to produce electrical energy and heat for a residential customer on such customer's premises.

(m) "Electric energy storage equipment" means a set of technologies capable of storing electric energy and releasing that energy as electric power at a later time. Electric energy storage technologies may store energy as potential, kinetic, chemical or thermal energy, that can be released as electric power and include, but are not limited to, various types of batteries, flywheels, electrochemical capacitors, compressed air storage and thermal storage devices.

(n) "Electric energy storage system" means an arrangement or combination of equipment designed to store electrical energy in electric energy storage equipment and release electric power at a later time.

(o) "Fuel-flexible linear generator electric generating equipment" or "fuel-flexible linear generator" means an integrated system consisting of oscillators, cylinders, electricity conversion equipment and associated balance of plant components that directly convert the linear motion of the oscillators into electricity and which has a combined rated capacity of not more than two thousand kilowatts.

(p) "Fuel-flexible linear generator electric generating system" means an arrangement or combination of fuel-flexible linear generator electric generating equipment designed to produce electrical energy from linear motion created by the reaction of gaseous or liquid fuels, including but not limited to biogas and natural gas.

NY CLS RPTL § 487

2. Real property which includes a solar or wind energy system, farm waste energy system, micro-hydroelectric energy system, fuel cell electric generating system, micro-combined heat and power generating equipment system, electric energy storage equipment and electric energy storage system, or fuel-flexible linear generator electric generating system approved in accordance with the provisions of this section shall be exempt from taxation to the extent of any increase in the value thereof by reason of the inclusion of such solar or wind energy system, farm waste energy system, micro-hydroelectric energy system, fuel cell electric generating system, micro-combined heat and power generating equipment system, electric energy storage equipment and electric energy storage system, or fuel-flexible linear generator electronic generating system for a period of fifteen years. When a solar or wind energy system or components thereof, farm waste energy system, micro-hydroelectric energy system, fuel cell electric generating system, micro-combined heat and power generating equipment system, electric energy storage equipment and electric energy storage system, or fuel-flexible linear generator electronic generating system also serve as part of the building structure, the increase in value which shall be exempt from taxation shall be equal to the assessed value attributable to such system or components multiplied by the ratio of the incremental cost of such system or components to the total cost of such system or components. The exemption provided by this section is inapplicable to any structure that satisfies the requirements for exemption under section four hundred eighty-three-e of this title.
3. The president of the authority shall provide definitions and guidelines for the eligibility for exemption of the solar and wind energy equipment and systems, farm waste energy equipment and systems, micro-hydroelectric equipment and systems, fuel cell electric generating equipment and systems, micro-combined heat and power generating equipment and systems, electric energy storage equipment and electric energy storage system, and fuel-flexible linear generator electric generating equipment and systems described in paragraphs (a), (b), (e), (f), (g), (h), (i), (j), (k), (l), (m), (n), (o) and (p) of subdivision one of this section.
4. No solar or wind energy system, farm waste energy system, micro-hydroelectric energy system, fuel cell electric generating system, micro-combined heat and power generating equipment system, electric energy storage equipment and electric energy storage system, or fuel-flexible linear generator electric generating system shall be entitled to any exemption from taxation under this section unless such system meets the guidelines set by the president of the authority and all other applicable provisions of law.
5. The exemption granted pursuant to this section shall only be applicable to (a) solar or wind energy systems or farm waste energy systems which are (i) existing or constructed prior to July first, nineteen hundred eighty-eight or (ii) constructed subsequent to January first, nineteen hundred ninety-one and prior to January first, two thousand thirty, and (b) micro-hydroelectric energy systems, fuel cell electric generating systems, micro-combined heat and power generating equipment systems, electric energy storage equipment or electric energy storage system, or fuel-flexible linear generator electric generating system which are constructed subsequent to January first, two thousand eighteen and prior to January first, two thousand thirty.
6. Such exemption shall be granted only upon application by the owner of the real property on a form prescribed and made available by the commissioner in cooperation with the authority. The applicant shall furnish such information as the commissioner shall require. The application shall be filed with the assessor of the appropriate county, city, town or village on or before the taxable status date of such county, city, town or village. A copy of such application shall be filed with the authority.
7. If the assessor is satisfied that the applicant is entitled to an exemption pursuant to this section, he or she shall approve the application and enter the taxable assessed value of the parcel for which an exemption has been granted pursuant to this section on the assessment roll with the taxable property, with the amount of the exemption set forth in a separate column as computed pursuant to subdivision two of this section in a separate column. In the event that real property granted an exemption pursuant to this section ceases to be used primarily for eligible purposes, the exemption granted pursuant to this section shall cease.
- 8.

NY CLS RPTL § 487

(a) Notwithstanding the provisions of subdivision two of this section, a county, city, town or village may by local law or a school district, other than a school district to which article fifty-two of the education law applies, may by resolution provide either (i) that no exemption under this section shall be applicable within its jurisdiction with respect to any solar or wind energy system or farm waste energy system which began construction subsequent to January first, nineteen hundred ninety-one or the effective date of such local law, ordinance or resolution, whichever is later, and/or (ii) that no exemption under this section shall be applicable within its jurisdiction with respect to any micro-hydroelectric energy system, fuel cell electric generating system, micro-combined heat and power generating equipment system, electric energy storage equipment or electric energy storage system, or fuel-flexible linear generator electric generating system constructed subsequent to January first, two thousand eighteen or the effective date of such local law, ordinance or resolution, whichever is later. A copy of any such local law or resolution shall be filed with the commissioner and with the president of the authority.

(b) Construction of a solar or wind energy system or a farm waste energy system shall be deemed to have begun upon the full execution of a contract or interconnection agreement with a utility; provided however, that if such contract or interconnection agreement requires a deposit to be made, then construction shall be deemed to have begun when the contract or interconnection agreement is fully executed and the deposit is made. The owner or developer of such a system shall provide written notification to the appropriate local jurisdiction or jurisdictions upon execution of the contract or the interconnection agreement.

9.

(a) A county, city, town, village or school district, except a school district under article fifty-two of the education law, that has not acted to remove the exemption under this section may require the owner of a property which includes a solar or wind energy system which meets the requirements of subdivision four of this section, to enter into a contract for payments in lieu of taxes. Such contract may require annual payments in an amount not to exceed the amounts which would otherwise be payable but for the exemption under this section. If the owner or developer of such a system provides written notification to a taxing jurisdiction of its intent to construct such a system, then in order to require the owner or developer of such system to enter into a contract for payments in lieu of taxes, such taxing jurisdiction must notify such owner or developer in writing of its intent to require a contract for payments in lieu of taxes within sixty days of receiving the written notification. Written notification to a taxing jurisdiction for this purpose shall include a hard copy letter sent to the highest-ranking official of the taxing jurisdiction. Such letter shall explicitly reference subdivision nine of section four hundred eighty-seven of the real property tax law, and clearly state that, unless the taxing jurisdiction responds within sixty days in writing with its intent to require a contract for payments in lieu of taxes, such project shall not be obligated to make such payments.

(b) Notwithstanding paragraph (a) of this subdivision, should a taxing jurisdiction adopt a law or resolution at any time within or prior to the sixty day window, indicating the taxing jurisdiction's ongoing intent to require a contract for payments in lieu of taxes for such systems, such law or resolution shall be considered notification to owners or developers and no further action is required on the part of the taxing jurisdiction, provided that such law or resolution remains in effect through the end of the sixty day notification period.

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

10. Notwithstanding the foregoing provisions of this section, on or after April first, two thousand nineteen, a county, city, town or village may by local law or a school district, other than a school district to which article fifty-two of the education law applies, may by resolution provide that real property that comprises or includes a solar or wind energy system, farm waste energy system, microhydroelectric energy system, fuel cell electric generating system, microcombined heat and power generating equipment system, electric energy storage system, or fuel-flexible linear generator as such terms are defined in paragraphs (b), (f), (h),

NY CLS RPTL § 487

(j), (l), (n), and (o) of subdivision one of this section (hereinafter, individually or collectively, "energy system"), shall be permanently exempt from any taxation, special ad valorem levies, and special assessments to the extent provided in section four hundred ninety of this article, and the owner of such property shall not be subject to any requirement to enter into a contract for payments in lieu of taxes in accordance with subdivision nine of this section, if: (a) the energy system is installed on real property that is owned or controlled by the state of New York, a department or agency thereof, or a state authority as that term is defined by subdivision one of section two of the public authorities law; and (b) the state of New York, a department or agency thereof, or a state authority as that term is defined by subdivision one of section two of the public authorities law has agreed to purchase the energy produced by such energy system or the environmental credits or attributes created by virtue of the energy system's operation, in accordance with a written agreement with the owner or operator of such energy system. Such exemption shall be granted only upon application by the owner of the real property on a form prescribed by the commissioner, which application shall be filed with the assessor of the appropriate county, city, town or village on or before the taxable status date of such county, city, town or village.

History

Add, L 1977, ch 322, § 2, eff Jan 1, 1978; amd, L 1977, ch 618, §§ 1, 2, eff Aug 1, 1977; L 1979, ch 220, § 2; L 1990, ch 121, §§ 1-4, eff Jan 1, 1991; L 1992, ch 316, § 8, eff Nov 1, 1992; L 1993, ch 440, § 11, eff July 26, 1993; L 1996, ch 263, § 1, eff July 2, 1996, deemed eff Jan 1, 1996; L 2002, ch 515, § 3, eff Sept 17, 2002; L 2002, ch 606, § 1, eff Oct 2, 2002; L 2006, ch 129, § 1, eff July 5, 2006, deemed eff on and after Jan 1, 2006; L 2010, ch 56, § 1 (Part W), eff June 22, 2010; L 2010, ch 366, § 1, eff Aug 13, 2010; L 2013, ch 272, § 2, eff July 31, 2013; L 2014, ch 344, § 1, effective September 4, 2014; ch 344, § 2, effective September 4, 2014; ch 344, § 3, effective September 4, 2014; L 2016, ch 57, § 3 (Part P), effective April 13, 2016; L 2017, ch 336, §§ 1-4, effective January 1, 2018; L 2018, ch 325, §§ 1-3, effective March 1, 2019; L 2019, ch 59, § 1 (Part AA), effective April 12, 2019; L 2021, ch 59, § 1 (Part X), effective April 19, 2021.

New York Consolidated Laws Service
Copyright © 2022 Matthew Bender, Inc.,
a member of the LexisNexis (TM) Group All rights reserved.

End of Document