Legislation Details (With Text)

File #:	Int 0128-2014	**Version:**	*	**Name:**	Community planning boards receive an annual report submitted to the mayor with regard to projected and actual jobs created and retained in connection with projects undertaken by a certain contracted entity.
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Title: A Local Law to amend the New York city charter, in relation to requiring that community planning boards receive an annual report submitted to the mayor with regard to projected and actual jobs created and retained in connection with projects undertaken by a certain contracted entity for the purpose of the creation or retention of jobs.

Sponsors:

Indexes:

Attachments: 1. Legislative History Report, 2. Summary of Int. No. 128, 3. Committee Report 10/22/15, 4. Hearing Testimony 10/22/15, 5. Hearing Transcript 10/22/15, 6. Committee Report 12/2/15, 7. Hearing Transcript 12/2/15, 8. Committee Report - Stated Meeting, 9. December 7, 2015 - Stated Meeting Agenda with Links to Files, 10. Fiscal Impact Statement, 11. Hearing Transcript of the Stated Meeting - December 7, 2015, 12. Mayor's Letter, 13. Minutes of the Stated Meeting - December 7, 2015, 14. Local Law 3

Date	Ver.	Action By	Action	Result
3/12/2014	*	City Council	Introduced by Council	
3/12/2014	*	City Council	Referred to Comm by Council	
10/22/2015	*	Committee on Economic Development	Hearing Held by Committee	
10/22/2015	*	Committee on Economic Development	Laid Over by Committee	
12/2/2015	*	Committee on Economic Development	Hearing Held by Committee	
12/2/2015	*	Committee on Economic Development	Approved by Committee	Pass
12/7/2015	*	City Council	Approved by Council	
12/7/2015	*	City Council	Sent to Mayor by Council	
12/23/2015	*	Mayor	Hearing Held by Mayor	
1/5/2016	*	Mayor	Signed Into Law by Mayor	
1/5/2016	*	City Council	Recved from Mayor by Council	

Int. No. 128

By Council Members Cabrera, Barron, Dickens, Gentile, King, Koo, Miller, Palma, Rose, Rosenthal, Arroyo, Vallone, Constantinides and Wills

A Local Law to amend the New York city charter, in relation to requiring that community planning boards

receive an annual report submitted to the mayor with regard to projected and actual jobs created and retained in connection with projects undertaken by a certain contracted entity for the purpose of the creation or retention of jobs.

Be it enacted by the Council as follows:

Section 1. Paragraph b of subdivision 1 of section 1301 of the New York city charter, as amended by local law number 102 for the year 2013, is amended to read as follows:

b. to serve as liaison for the city with local development corporations, other not-for-profit corporations and all other entities involved in economic development within the city. In furtherance of this function, the department shall include in any contract with a local development corporation or not-for-profit corporation of which a majority of its members are appointed by the mayor under which such contracted entity is engaged in providing or administering economic development benefits on behalf of the city and expending city capital appropriations in connection therewith, a requirement that such contracted entity submit to the mayor, the council, the city comptroller, the public advocate, [and] the borough presidents and community planning boards by January 31 of each year, a report for the prior fiscal year in the form prescribed hereunder with regard to projected and actual jobs created and retained in connection with any project undertaken by such contracted entity for the purpose of the creation or retention of jobs, whether or not such project involves the expenditure of city capital appropriations, if in connection with such project assistance to a business entity was provided by such contracted entity in the form of a loan, grant or tax benefit in excess of one hundred fifty thousand dollars, or a sale or lease of city-owned land where the project is estimated to retain or create not less than twenty-five jobs. The report shall be for the period commencing on the date that the project agreement and any other documents applicable to such project have been executed through the final year that such entity receives assistance for such project, except that, as to projects consisting of a lease or sale of city-owned land, each annual report shall include only (1) a list of each existing lease, regardless of when such lease commenced, and a list of each sale of city-owned land that closed on or after January 1, 2005, and (2) for such leases or sales, any terms or restrictions on the use of the property, including the rent received for each leased property in the

prior fiscal year, and for sales, the price for which the property was sold and any terms or restrictions on the resale of the property, and need not include any other information with regard to such lease or sale of a type required for reports for other projects hereunder. Information on any such lease shall be included until the lease terminates and information on sales of city-owned land shall be included for fifteen years following closing. The report, other than for leases or sales of city-owned land, shall contain, for the prior fiscal year, the following information with respect thereto: (i) the project's name; (ii) its location; (iii) the time span over which the project is to receive any such assistance; (iv) the type of such assistance provided, including the name of the program or programs through which assistance is provided; (v) for projects that involve a maximum amount of assistance, a statement of the maximum amount of assistance available to those projects over the duration of the project agreement, and for those projects that do not have a maximum amount, the current estimated amount of assistance over the duration of the project agreement, the amount of tax exempt bonds issued during the current reporting year and the range of potential cost of those bonds; project assistance to be reported shall include, but shall not be limited to, PILOT savings, which shall be defined for the purposes of this paragraph as the difference between the PILOT payments made and the property tax that would have been paid in the absence of a PILOT agreement, the amount of mortgage recording fees waived, related property tax abatements, sales tax abatements, the dollar value of energy benefits and an estimated range of costs to the city of foregone income tax revenues due to the issuance of tax exempt bonds; (vi) the total number of employees at all sites covered by the project at the time of the project agreement including the number of permanent full-time jobs, the number of permanent part-time jobs, the number of full-time equivalents, and the number of contract employee where contract employees may be included for the purpose of determining compliance with job creation or retention requirements; (vii) the number of jobs that the entity receiving benefits is contractually obligated to retain and create over the life of the project, except that such information shall be reported on an annual basis for project agreements containing annual job retention or creation requirements, and, for each reporting year, the base employment level the entity receiving benefits agrees to retain over the life of the project agreement, any job

creation scheduled to take place as a result of the project, and where applicable, any job creation targets for the current reporting year; (viii) the estimated amount, for that year and cumulatively to date, of retained or additional tax revenue derived from the project, excluding real property tax revenue other than revenue generated by property tax improvements; (ix) the amount of assistance received during the year covered by the report, the amount of assistance received since the beginning of the project period, and the present value of the future assistance estimated to be given for the duration of the project period; (x) for the current reporting year, the total actual number of employees at all sites covered by the project, including the number of permanent full-time jobs, the number of permanent part-time jobs, the number of contract jobs, and, for entities receiving benefits that employ two hundred fifty or more persons, the percentage of total employees within the "exempt" and "non-exempt" categories, respectively, as those terms are defined under the United States fair labor standards act, and for employees within the "non-exempt" category, the percentage of employees earning up to twenty-five thousand dollars per year, the percentage of employees earning more than twenty-five thousand per year up to forty-thousand dollars per year and the percentage of employees earning more than forty thousand dollars per year up to fifty thousand dollars per year; (xi) whether the employer offers health benefits to all full-time employees and to all part-time employees; (xii) for the current reporting year, for employees at each site covered by the project in the categories of industrial jobs, restaurant jobs, retail jobs, and other jobs, including all permanent and temporary full-time employees, permanent and temporary part-time employees, and contract employees, the number and percentage of employees earning less than a living wage, as that term is defined in section 134 of title 6 of the administrative code of the city of New York. Reports with regard to projects for which assistance was received prior to July 1, 2012 need only contain such information required by this paragraph as is available to the city, can be reasonably derived from available sources, and can be reasonably obtained from the business entity to which assistance was provided; (xiii) for the current reporting year, with respect to the entity or entities receiving assistance and their affiliates, the number and percentage of employees at all sites covered by the project agreement who reside in the city of New York. For the purposes of this

subparagraph, "affiliate" shall mean (i) a business entity in which more than fifty percent is owned by, or is subject to a power or right of control of, or is managed by, an entity which is a party to an active project agreement, or (ii) a business entity that owns more than fifty percent of an entity that is party to an active project agreement or that exercises a power or right of control of such entity; (xiv) a projection of the retained or additional tax revenue to be derived from the project for the remainder of the project period; (xv) a list of all commercial expansion program benefits, industrial and commercial incentive program benefits received through the project agreement and relocation and employment assistance program benefits received and the estimated total value of each for the current reporting year; (xvi) a statement of compliance indicating whether, during the current reporting year, the contracted entity has reduced, cancelled or recaptured benefits for any company, and, if so, the total amount of the reduction, cancellation or recapture, and any penalty assessed and the reasons therefore; (xvii) for business entities for which project assistance was provided by such contracted entity in the form of a loan, grant or tax benefit of one hundred fifty thousand dollars or less, the data should be included in such report in the aggregate using the format required for all other loans, grants or tax benefits; and (xviii) an indication of the sources of all data relating to numbers of jobs. For projects in existence prior to the effective date of this local law, information that business entities were not required to report to such contracted entity at the time that the project agreement and any other documents applicable to such project were executed need not be contained in the report.

The report shall be submitted by the statutory due date and shall bear the actual date that the report was submitted. Such report shall include a statement explaining any delay in its submission past the statutory due date. Upon its submission, the report shall simultaneously be made available in electronic form on the website of the contracted entity or, if no such website is maintained, on the website of the city of New York, provided that reports submitted in 2012 or after shall simultaneously be made available in a commonly available non-proprietary database format on the website of the contracted entity or, if no such website is maintained, on the website of the city of New York, except that any terms and restrictions on the use or resale of city-owned land

need not be included in such non-proprietary database format, and provided further that with respect to the report submitted in 2012 in the commonly available non-proprietary database format, the contracted entity shall include, in such format, the data included in the reports for the period from July 1, 2005 to June 30, 2010. Reports with regard to projects for which assistance was rendered prior to July 1, 2005, need only contain such information required by this subdivision as is available to the contracted entity, can be reasonably derived from available sources, and can be reasonably obtained from the business entity to which assistance was provided.

§2. This law shall take effect immediately upon enactment.

TBD
Int. 447/2010
LS 320
2/18/14