



Legislation Text

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Preconsidered Int. No. 1472

By Council Members Johnson, Chin, Levin, Dromm, Salamanca, Rose, Maisel, Rosenthal, Lancman, Mendez, Garodnick, Kallos, Levine, Constantinides, Cumbo, Cabrera, Koslowitz, Reynoso, Espinal, Richards and Rodriguez (by request of the Manhattan Borough President)

A Local Law to amend the administrative code of the city of New York, in relation to exempting certain grocery stores from the commercial rent tax

Be it enacted by the Council as follows:

Section 1. Section 11-704 of the administrative code of the city of New York is amended by adding a new subdivision j to read as follows:

j. Grocery stores. 1. A tenant that is a grocery store and has obtained the certification required by paragraph 2 of this subdivision is exempt from the tax imposed by this chapter.

2. The commissioner of finance or a designee shall approve for certification any grocery store that receives less than 50 percent of its store sales from pharmacy sales, and that:

(a) Exceeds 3,500 square feet of retail floor space, excluding any storage space, loading dock, food preparation and serving space, and eating area designated for the consumption of prepared food, and that apportions such retail floor space in the following manner: (i) 50 percent or more is utilized for the sale of a general line of food products intended for home preparation, consumption and utilization; (ii) 30 percent or more is utilized for the sale of perishable goods including dairy, fresh produce, frozen foods and fresh meats; and (iii) 500 square feet or more is utilized exclusively for the sale of fresh produce;

(b) Satisfies affordability requirements, as determined by the commissioner of finance in consultation with the commissioner of health and mental hygiene, for such general line of food products as set out in subparagraph (a) of this paragraph; and

(c) Accepts payment from customers using the supplemental nutrition assistance program, special supplemental nutrition program for women, infants and children, or any successor programs.

3. The commissioner of finance shall inspect grocery stores that are exempt from the tax imposed by this chapter pursuant to paragraph 1 of this subdivision annually to ensure continued compliance with paragraph 2 of this subdivision.

4. The commissioner of finance shall promulgate rules, as necessary, in relation to the requirements set out in paragraph 2 of this subdivision.

§ 2. This local law takes effect 120 days after it becomes law, except that the commissioner of finance may take measures necessary for the implementation of this local law, including the promulgation of rules, before such date.

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