



Legislation Details (With Text)

**File #:** Int 0605-2005 **Version:** \* **Name:** Area limitations on benefits pursuant to section four hundred twenty-one-a of the real property tax law relating to building services.

**Type:** Introduction **Status:** Filed  
**In control:** Committee on Housing and Buildings

**On agenda:** 3/23/2005

**Enactment date:** **Enactment #:**

**Title:** A Local Law to amend the administrative code of the city of New York, in relation to area limitations on benefits pursuant to section four hundred twenty-one-a of the real property tax law relating to building services.

**Sponsors:**

**Indexes:**

**Attachments:** 1. Committee Report, 2. Hearing Transcript

Date	Ver.	Action By	Action	Result
3/23/2005	*	City Council	Introduced by Council	
3/23/2005	*	City Council	Referred to Comm by Council	
4/22/2005	*	Committee on Housing and Buildings	Hearing Held by Committee	
4/22/2005	*	Committee on Housing and Buildings	Laid Over by Committee	
12/31/2005	*	City Council	Filed (End of Session)	

Int. No. 605

By Council Members Jackson, Palma, Addabbo Jr., Arroyo, Avella, Baez, Barron, Brewer, Clarke, Comrie, DeBlasio, Gennaro, Gentile, Gerson, Gioia, Gonzalez, James, Jennings, Koppell, Martinez, McMahon, Monserrate, Perkins, Quinn, Recchia Jr., Sanders Jr., Weprin, Lopez, Seabrook, Stewart, Vann, Boyland, Dilan and Rivera

A Local Law to amend the administrative code of the city of New York, in relation to area limitations on benefits pursuant to section four hundred twenty-one-a of the real property tax law relating to building services.

Be it enacted by the Council as follows:

Section 1. Declaration of Legislative Findings and Intent. When the City confers benefits pursuant to section four hundred twenty-one-a of the real property tax law, it has an interest in ensuring that those benefits do not undermine the City’s existing tax base. In particular, where areas of the City may be subject to rapid residential development, the City has an interest in ensuring that the new jobs created by the development do

not undermine existing wage and benefit standards for building service workers.

§2. Chapter 2 of title 11 of the administrative code of the city of New York is hereby amended by adding a new section 11-245.1-a to read as follows:

§11-245.1-a Additional eligibility limitations on benefits pursuant to section four hundred twenty-one-a of the real property tax law.

(a) As used in this section, the following terms shall have the following meanings:

(1) “Building service employee” means any person performing work in connection with the care or maintenance of an existing building. “Building service employee” includes, but is not limited, to, watchman, guard, doorman, building cleaner, porter, handyman, janitor, gardener, groundskeeper, elevator operator and starter, window cleaner.

(2) “Prevailing wage” means the wage determined by the fiscal officer to be prevailing for the various classes of building service employees in the locality pursuant to section two hundred thirty of the labor law.

(b) No benefits under section four hundred twenty-one-a of the real property tax law shall be conferred for any construction commenced on or after the date the restrictions contained in this paragraph takes effect and prior to December thirty-first, two thousand twenty-two for any tax lots now existing or hereafter created which are located entirely within the geographic area bounded in the borough of Brooklyn and described as follows:

BEGINNING at the intersection of the bulkhead line in the East River and Broadway extended, thence easterly along Broadway to the intersection of Broadway and Havemeyer street; thence northerly along Havemeyer street to the intersection of Havemeyer street and Borinquen place; thence easterly along Borinquen place to the intersection of Borinquen place and Union avenue; thence northerly along Union avenue to the intersection of Union avenue and the Brooklyn-Queens Expressway; thence northeasterly along the Brooklyn-Queens Expressway to the intersection of the Brooklyn-Queens Expressway and McGuinness boulevard; thence northerly along McGuinness boulevard to the intersection of McGuinness boulevard extended and the bulkhead line in Newtown Creek; thence southerly along said bulkhead line to the place of the beginning.

(c) The limitations contained in subdivision (b) of this section shall not be applicable to projects where the applicant agrees that all building service employees employed at the building, whether employed directly by the applicant or its successors, or through a property management company or a contractor, shall receive the applicable prevailing wage for the duration of the building's tax exemption.

(d) Failure to pay the then-current prevailing wage to any building service employee at any time during the duration of the building's tax exemption shall result in revocation of any benefits under section four hundred twenty-one-a of the real property tax law retroactive to the start of construction.

(e) For purposes of subdivision (b) of this section, construction shall be deemed to have commenced on the date immediately following the issuance by the department of buildings of a new building permit for an entire new building (based upon architectural, plumbing and structural plans approved by such department) on which the excavation and the construction of initial footings and foundations commences in good faith, on vacant land and for the entire project site, as certified by an architect or professional engineer licensed in the state, provided that installation of footings and foundations is similarly certified by such architect or engineer to have been completed without undue delay.

(f) The department of housing preservation and development may promulgate rules and regulations for the effectuation of the purposes of this section.

(g) The limitations on eligibility for benefits contained in this section shall be in addition to those contained in any other law or regulation.

§2. This local law shall take effect one year after the date of its enactment.