

BROOME COUNTY  
INDUSTRIAL DEVELOPMENT AGENCY

UNIFORM TAX EXEMPTION POLICY

ADOPTED APRIL 9, 1999

## **UNIFORM TAX EXEMPTION POLICY**

The following Uniform Tax Exemption Policy will apply to all installment sales and lease agreements in which the Broome County Industrial Development Agency (BCIDA) holds nominal title to real and personal property on behalf of its clients.

### **A. MORTGAGE RECORDING TAX**

1. BCIDA eligible projects are exempted from the payment of all mortgage recording taxes.
2. Actual mortgage recording tax savings must be reported to the BCIDA at year's end in compliance with the NYS General Municipal Laws, Article 18A, Title 1, Section 874 as amended.

### **B. SALES TAX**

1. BCIDA provides full sales tax exemption during initial construction and equipping of the subject facility only. No operating (on-going) sales tax exemptions are permitted by this policy.
2. All sales tax exemption agreements will have an expiration date of one (1) year from date of issuance. Extension of expiration dates must be approved by the Board of Directors.
3. Actual or estimated sales tax savings must be reported to the BCIDA at year's end in compliance with the NYS General Municipal Laws, Article 18-A, Title 1, Section 874 as amended.

### **C. REAL PROPERTY TAX/Payments-in-lieu-of-Taxes (PILOT)**

#### **1. New Construction**

- a. **Industrial** projects (manufacturing, assembly, R & D, processing, distribution, warehousing, etc.) consisting of **new construction**, will receive the following **tax abatement**: years **1-5, 75%**; years **6- 10, 50%**; years **11-15, 25%**.
- b. **Commercial** projects (wholesale, office, insurance, etc.) consisting of **new construction** will receive the following **tax abatement**: years **1-5, 50%** and **years 6-10, 25%**.
- c. Retail projects will receive no tax abatements.

## **2. Purchase of Existing Facilities**

- a. **Industrial** projects consisting of the purchase of an **existing facility** will have **taxes frozen** at the level in place at the time of purchase **for 5 years**. In years **6-10**, any **tax increase over the frozen level** will be **abated** by **50%** and in years **11-15**, **25%**.
- b. **Commercial** projects consisting of the purchase of an **existing facility** will have taxes frozen at the level in place at the time of purchase for 3 years. In years **4 and 5**, any **tax increase over the frozen level** will be **abated** by **50%** and in years **6-10**, **25%**.
- c. **Retail** projects will receive no tax abatements.

## **3. Improvement of Existing Facility (Previously Owned)**

- a. Any project, **industrial or commercial**, which consists of **improving a previously owned facility**, will have taxes **frozen** at the level in place prior to improvements for **3 years**. In years **4 & 5**, any **tax increase over the frozen level** will be **abated** by **50%** and in years **6-10**, **25%**.
- b. **Retail** projects will receive no tax abatements.

## **4. Leased Facilities**

- a. In any lease transaction (new construction, existing building, etc.), **industrial or commercial**, the policies stated in Sections 1,2, and 3 will apply so long as the tax abatement benefits are passed on to the tenant/occupant. Both the beneficial owner and the tenant/occupant must certify in writing that all tax advantages provided by the BCIDA are accruing to the benefit of the tenant/occupant.
- b. **Retail** projects will pay 100% of Real Property Taxes.

- 5.** Actual real property tax savings must be reported to the BCIDA at year's end in compliance with the NYS General Municipal Laws, Article 18-A, Title 1, Section 874 as amended.

D. **REMITTANCE OF PAYMENTS IN LIEU OF TAXES**

All payments-in-lieu-of-taxes are to be remitted to the affected taxing authority as if they were regular tax payments, unless otherwise determined by mutual agreement.

E. **RECAPTURE OF BENEFITS**

1. The Broome County Industrial Development Agency reserves the right to recapture benefits provided through the abatement of real property taxes in cases in which a company's performance is substantially different than anticipated, as defined below:
  - a. Sale or closure of facility and departure of company from Broome County;
  - b. Significant change in the use of the facility and/or business activities of the company, and;
  - c. Significant employment reductions not reflective of the company's normal business cycle and/or local and national economic conditions.

In cases deemed to meet one or more of the above conditions, the following recapture schedule will apply:

| <u>Period</u>  | <u>Accumulative Amount<br/>Of Recapture</u> |
|----------------|---|
| Within 1 Year  | 100%  |
| Within 2 Years | 75%   |
| Within 3 Years | 50%   |
| Within 4 Years | 25%   |
| After 4 Years  | 0%  |

2. The time period above is from the effective date of the PILOT agreement. Imposition of this recapture policy is at the sole discretion of the BCIDA and will be considered on a case-by-case basis.

F. **EXCEPTIONS TO REAL PROPERTY TAX (PILOT) POLICIES**

1. The Broome County Industrial Development Agency reserves the right to deviate from this policy if it is determined that a project will provide a major economic or employment impact to the County. This exception will require the written approval of the **Chief Elected Official** of the municipality in which the project is located.
2. For locations where a PILOT Policy is already in place, these policies will not apply. However, these locations do have the option of adopting these guidelines and are encouraged to do so.
3. "Spec" buildings and multi-use facilities will be considered on a case-by-case basis.
4. An exception to this policy will apply when a project is located in a **"Targeted Area"** (1) and consists of the purchase and renovation of a vacant facility or site. In those cases, a tax freeze will apply for **7 years** for **industrial** projects with **50%** abatement through **year 10**, and **25%** abatement in **years 11-15**. Commercial projects will receive tax freeze for **5 years**, with **50 %** abatement through **year 10**.

(1) The Broome County Industrial Development Agency Board of Directors reserves the right to designate certain areas as "Target Zones". A Target Zone is an area deemed to be blighted and/or an area with high potential to support economic activity beneficial to the residents of Broome County.

**BROOME COUNTY INDUSTRIAL DEVELOPMENT AGENCY  
SCHEDULE OF UNIFORM REAL PROPERTY TAX EXEMPTION POLICY**

| Years | New Construction Abatement |            | Purchase of Existing Facility Abatement |            | Improve/Expand of Existing Facility Abatement |            |
|-------|----------------------------|------------|---|------------|---|------------|
|       | Industrial                 | Commercial | Industrial                              | Commercial | Industrial                                    | Commercial |
| 1     | 75%                        | 50%        | Frozen (1)                              | Frozen (1) | Frozen (3)                                    | Frozen (3) |
| 2     | 75%                        | 50%        | Frozen                                  | Frozen     | Frozen  | Frozen     |
| 3     | 75%                        | 50%        | Frozen                                  | Frozen     | Frozen  | Frozen     |
| 4     | 75%                        | 50%        | Frozen                                  | 50% (2)    | 50% (2)                                       | 50% (2)    |
| 5     | 75%                        | 50%        | Frozen                                  | 50%        | 50%   | 50%        |
| 6     | 50%                        | 25%        | 50% (2)                                 | 25% (2)    | 25% (2)                                       | 25%        |
| 7     | 50%                        | 25%        | 50%                                     | 25%        | 25%   | 25%        |
| 8     | 50%                        | 25%        | 50%                                     | 25%        | 25%   | 25%        |
| 9     | 50%                        | 25%        | 50%                                     | 25%        | 25%   | 25%        |
| 10    | 50%                        | 25%        | 50%                                     | 25%        | 25%   | 25%        |
| 11    | 25%                        | 0%         | 25% (2)                                 | 0%         | 0%  | 0%         |
| 12    | 25%                        | 0%         | 25%                                     | 0%         | 0%  | 0%         |
| 13    | 25%                        | 0%         | 25%                                     | 0%         | 0%  | 0%         |
| 14    | 25%                        | 0%         | 25%                                     | 0%         | 0%  | 0%         |
| 15    | 25%                        | 0%         | 25%                                     | 0%         | 0%  | 0%         |

(1) Frozen at pre-purchase levels

(2) Percent of increase over frozen level

(3) Frozen at pre-improvement levels