



COUNTY OF MONROE INDUSTRIAL DEVELOPMENT

County of Monroe Industrial Development Agency
Uniform Tax Exemption Policy

Pursuant to the authority vested in it by Article 18-A of the General Municipal Law of the State of New York, the County of Monroe Industrial Development Agency (COMIDA) may provide financial assistance to qualified applicants for qualified “project” or “facilities” as defined by General Municipal in the Law in the form of issuance of its tax-exempt or taxable bonds or by participation in straight lease transactions. The Agency has adopted this Uniform Tax Exemption Policy to provide guidelines for the claiming of real property, sales and use tax and mortgages recording tax abatements.

A. Real Property Taxes

1. The agency requires all applicants to enter into written Payment-in-lieu-of-Tax Agreements (PILOTS).
2. PILOTS shall contain provisions in accordance with the following:
 - a. PILOTS as may be agreed upon by the applicant and taxing jurisdictions (Special Programs).
 - b. PILOTS in accordance with the existing programs available in the taxing jurisdiction including lodging facility projects (e.g. 485-b).
 - c. For qualified applicants payments pursuant to COMIDA’s JobsPlus, Green JobsPlus, Enhanced JobsPlus or LeasePlus Program as may be amended from time to time or such other uniform real estate tax exemption as may be adopted by COMIDA.
 - d. Shelter Rent PILOTS for affordable housing projects and student housing (i.e. not otherwise exempt) with input from City of Rochester, Towns and/or villages as Agency in its sole discretion determines to be appropriate. The appropriate PILOT is ten percent (10%) of the Shelter Rent absent compelling reasons to the contrary.

B. Mortgage Recording Tax Exemptions

1. The Agency's policy is to permit mortgage recording tax exemptions on all financing enhancing the value of a project, to the full extent permitted by New York State Law.

C. Sales and Use Tax Exemptions

1. The Agency's policy is to permit project applicants, as agent of the Agency, to claim exemption from sales and use taxes to the full extent permitted by New York State Law.
2. All project applicants must agree in writing to timely file with the New York State Department of Taxation an annual statement of the value of all sales and use tax exemptions, and other exemptions claimed in connection with the Facility in full compliance with Section 874(8) of the New York General Municipal Law, in the form and at the times required thereby.

D. Deviations

In addition to or in lieu of the foregoing the Agency may determine, on case-by-case basis, to deviate from the guidelines described above or provide enhanced benefits for a project expected to have significant impact in the locality where the project will be located. Any deviation from the guidelines set forth above requires a public hearing be held in the affected taxing jurisdiction with notice to affected taxing jurisdictions and findings setting forth in writing reasons for the deviation from Uniform Tax Exemption Policy. The agency shall consider the following factors in making such determination, no single one of which is determinative:

- The nature of the proposed project (e.g., manufacturing, and commercial, civic).
- The nature of the property before the project begins (e.g., vacant land, and vacant buildings).
- The economic condition of the area at the time of the application.
- The extent to which a project will create or retain permanent, private sector jobs.
- The estimated value of tax exemptions to be provided.
- The extent to which the proposed project will provide additional sources of revenue for municipalities and school districts in which the project is located.
- The impact of the project and the proposed tax exemptions on affected tax jurisdictions.

- The impact of the proposed project on existing and proposed businesses and economic development projects in the vicinity.
- The amount of private sector investment generated or likely to be generated by the proposed project.
- The likelihood of accomplishing the proposed projects in a timely fashion.
- The effect of the proposed upon the environment.
- The extent to which the proposed project will require the provision of additional services including, but not limited to, additional educational, transportation, police, emergency medical or fire services, to follow local input from local planning agencies.
- The extent to which the proposed project will provide a benefit (economic or otherwise) not otherwise available within the municipality in which the project is located.
- (Civic Facility Projects Only) The extent to which the proposed project encourages charitable entities to locate within the municipality in which the project is located.

E. PILOTS providing for the abatement COMIDA’s JobsPlus, Green JobsPlus, Enhanced JobsPlus or LeasePlus program shall contain benefit recapture provisions including but not limited to the following:

If the minimum number of new jobs are not created by the end of the three (3) year period or not continuously maintained during the balance of term of the PILOT Agreement, the exemption schedule will revert back to Section 485-b of the New York Real Property Tax Law and repayment will be required in any year for which job creation requirements are not met (Disqualifying Year), as an additional payment in lieu of taxes. The repayment amount is equal to the difference between the JobsPlus, Green JobsPlus, Enhanced JobsPlus or LeasePlus tax benefits received in years one through the Disqualifying Year and the tax benefits which would have been received in years one through the Disqualifying Year under Section 485-b of the New York Real Property Tax Law. Under extenuating circumstances, the COMIDA Board may waive the above penalties after reviewing a written request for waiver of penalties.

Recapture and waiver provisions may be incorporated into Special Programs.

F. This Uniform Tax Exemption Policy shall apply to projects in accordance within provisions of article 18-A of the General Municipal Law, with the inclusion of Chapter 356 and 357 of the Law of 1993.

- Revised as of 4/99 to replace the Manufacturing Tax Incentive (MTI) Program with the Jobs Plus Program
- Revised as of 5/02 with Enhanced Jobs Plus Program
- Revised as of 2/07 with Shelter Rent PILOT
- Revised as of 6/07 with Lodging facility update and Green JobsPlus
- Revised as of 2/08 with LeasePlus
- Revised as of 1/12 to bring UTEP in conformity with existing law Section 874(4)(b) requires a procedure for deviation from the UTEP and that the Agency shall set forth in writing its reasons for deviation and notify the ATJ's of the proposed deviation and reasons therefore.

APPENDIX A
Tax Abatement Policies

JobsPlus

PROPERTY TAX ABATEMENT

Allowable Project Types:

- Manufacturers
- Technology-based producer service companies
- Commercial projects which result in an increase in assessment due to new construction
- Rehabilitation of existing commercial building vacant for a long time.

Requirements:

- **Job Creation** - Company must meet a minimum of 10% job creation goal over impacted employment within three (3) years.
- **Local Labor** - Project must use all local labor for the construction of new, expanded or renovated facilities. Local is defined as labor from Monroe, Genesee, Livingston, Ontario, Orleans or Wayne counties.

JobsPlus Tax Abatement Schedule:

Year	% Tax Abated	Year	% Tax Abated
1	90%	6	40%
2	80%	7	30%
3	70%	8	20%
4	60%	9	10%
5	50%	10	0%

*Abatement does not apply to land, existing assessment or special district charges.

Enhanced JobsPlus

PROPERTY TAX ABATEMENT

Allowable Project Types:

- Manufacturers
- Technology-based producer service companies

Requirements:

- **Investment** - A minimum \$15 Million investment in new plant, machinery and equipment, or renovation of existing building(s) **AND**
- **Jobs** - A minimum of 100 new jobs from new companies locating in Monroe County, or existing companies expanding operations here, within three (3) years **AND**
- **Local Labor** - In the absence of a waiver permitting otherwise, project must use all local labor for the construction of new, expanded or renovated facilities. Local is defined as Monroe, Genesee, Livingston, Ontario, Orleans, Seneca, Wayne, Wyoming or Yates counties.

Enhanced JobsPlus Tax Abatement Schedule:

Year	% Tax Abated	Year	% Tax Abated
1	100%	6	60%
2	100%	7	45%
3	100%	8	30%
4	90%	9	15%
5	75%	10	0%

*Abatement does not apply to land, existing assessment or special district charges.

Shelter Rent

PROPERTY TAX ABATEMENT

Allowable Project Types:

New Building Construction or Renovation projects for:

- Student housing or affordable housing (within guidelines for income established by the U.S. Department of Housing and Urban Development)

Requirements:

- **Job Creation** - Company must meet a minimum of 10% job creation goal over impacted employment within three (3) years
- **Local Labor** - Project must use all local labor for the construction of new, expanded or renovated facilities. Local is defined as Monroe, Genesee, Livingston, Ontario, Orleans, Seneca, Wayne, Wyoming or Yates counties.

“Shelter Rent” Payment in Lieu of Tax shall mean the gross rents actually collected for the Facility (for student housing or affordable housing as per guidelines for income established by the U.S. Department of Housing and Urban Development) in a given calendar year minus utilities. The Payment in Lieu of Tax paid by the Company shall be ten percent (10%) of Shelter Rent provided the Facility is solely utilized for student housing or affordable housing.

*Abatement does not apply to land, existing assessment or special district charges.

Green JobsPlus

GREEN PROPERTY TAX ABATEMENT

Allowable Project Types:

New Building Construction or Renovation projects for:

- Manufacturers
- Technology-based producer service companies
- Commercial projects which result in an increase in assessment due to new construction

Requirements:

- **LEED Certification** - Project must be rated as Certified, Gold, Silver or Platinum by the United States Green Building Council's Leadership in Energy and Environmental Design (LEED®) Green Building Rating System.
- **Job Creation** - Company must meet a minimum of 10% job creation goal over impacted employment within three (3) years
- **Local Labor** - Project must use all local labor for the construction of new, expanded or renovated facilities. Local is defined as labor from Monroe, Genesee, Livingston, Ontario, Orleans or Wayne counties.

Green JobsPlus Tax Abatement Schedule:

Year	% Tax Abated	Year	% Tax Abated
1	90%	8	40%
2	80%	9	30%
3	70%	10	20%
4	60%	11	20%
5	50%	12	20%
6	50%	13	10%
7	50%	14	0%

*Abatement does not apply to land, existing assessment or special district charges.

LeasePlus

PROPERTY TAX ABATEMENT

Allowable Project Types:

New Building Construction or Renovation projects for:

- University and/or medical related facilities in which a 501(c)3 entity leases from a for-profit entity.

Requirements:

- **Job Creation** - Company must meet a minimum of 10% job creation goal over impacted employment within three (3) years
- **Local Labor** - Project must use all local labor for the construction of new, expanded or renovated facilities. Local is defined as Monroe, Genesee, Livingston, Ontario, Orleans, Seneca, Wayne, Wyoming or Yates counties.

LeasePlus Tax Abatement Schedule(s):

Year	% Tax Abated	Year	% Tax Abated
1	90%	6	65%
2	85%	7	60%
3	80%	8	55%
4	75%	9	50%
5	70%	10	0%

Or

Year	% Tax Abated	Year	% Tax Abated	Year	% Tax Abated
1	90%	6	50%	11	50%
2	80%	7	50%	12	50%
3	70%	8	50%	13	50%
4	60%	9	50%	14	50%
5	50%	10	50%		

*Abatement does not apply to land, existing assessment or special district charges.