



DANIEL P. MCCOY
COUNTY EXECUTIVE

COUNTY OF ALBANY
OFFICE OF THE EXECUTIVE
112 STATE STREET, ROOM 1200
ALBANY, NEW YORK 12207-2021
(518) 447-7040 - FAX (518) 447-5589
WWW.ALBANYCOUNTY.COM

DANIEL C. LYNCH, ESQ.
DEPUTY COUNTY EXECUTIVE

January 3, 2023

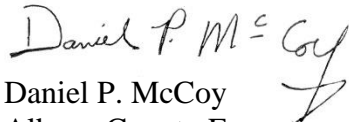
Honorable Andrew Joyce, Chairman
Albany County Legislature
112 State Street, Room 710
Albany, New York 12207

Dear Chairman Joyce:

The Albany County Green Building Incentive Program will encourage the construction of green buildings in Albany County by providing tax incentives for new construction and qualifying reconstructions that meet the LEED certification standard for green buildings. Buildings are one of the largest contributors of carbon emissions and represent one of the toughest challenge to the decarbonization of our economy. This program is one tool to help address this challenge. The value of the construction or reconstruction project must be greater than \$10,000 and the maximum taxable value to be abated shall be capped at \$1,000,000. The amount of the exemption is determined by the level of LEED status achieved, as prescribed by NYS Real Property Tax Law Section 470.

If you should have any questions, please do not hesitate to contact me.

Sincerely


Daniel P. McCoy
Albany County Executive

cc: Hon. Dennis Feeney, Majority Leader
Hon. Frank Mauriello, Minority Leader
Rebekah Kennedy, Majority Counsel
Arnis Zilgme, Minority Counsel



County of Albany

Harold L. Joyce
Albany County Office
Building
112 State Street - Albany,
NY 12207

Legislation Text

File #: TMP-3965, **Version:** 1

REQUEST FOR LEGISLATIVE ACTION

Description (e.g., Contract Authorization for Information Services):

Albany County Green Building Incentive Local Law

Date: 1/3/2022
Submitted By: Lucas Rogers
Department: CEO
Title: Economic Development and Sustainability Coordinator
Phone: 518-447-5566
Department Rep.
Attending Meeting: Lucas Rogers

Purpose of Request:

- ☒ Adopting of Local Law
- ☐ Amendment of Prior Legislation
- ☐ Approval/Adoption of Plan/Procedure
- ☐ Bond Approval
- ☐ Budget Amendment
- ☐ Contract Authorization
- ☐ Countywide Services
- ☐ Environmental Impact/SEQR
- ☐ Home Rule Request
- ☐ Property Conveyance
- ☐ Other: (state if not listed) Click or tap here to enter text.

CONCERNING BUDGET AMENDMENTS

Increase/decrease category (choose all that apply):

- ☐ Contractual
- ☐ Equipment
- ☐ Fringe
- ☐ Personnel

- ☐ Personnel Non-Individual
☐ Revenue

Increase Account/Line No.: Click or tap here to enter text.
Source of Funds: Click or tap here to enter text.
Title Change: Click or tap here to enter text.

CONCERNING CONTRACT AUTHORIZATIONS

Type of Contract:

- ☐ Change Order/Contract Amendment
☐ Purchase (Equipment/Supplies)
☐ Lease (Equipment/Supplies)
☐ Requirements
☐ Professional Services
☐ Education/Training
☐ Grant

Choose an item.

Submission Date Deadline Click or tap to enter a date.

- ☐ Settlement of a Claim
☐ Release of Liability
☐ Other: (state if not listed) Click or tap here to enter text.

Contract Terms/Conditions:

Party (Name/address):
Click or tap here to enter text.

Additional Parties (Names/addresses):
Click or tap here to enter text.

Amount/Raise Schedule/Fee: Click or tap here to enter text.
Scope of Services: Click or tap here to enter text.

Bond Res. No.: Click or tap here to enter text.
Date of Adoption: Click or tap here to enter text.

CONCERNING ALL REQUESTS

Mandated Program/Service: Yes ☐ No ☒
If Mandated Cite Authority: Click or tap here to enter text.

Is there a Fiscal Impact: Yes ☐ No ☒
Anticipated in Current Budget: Yes ☐ No ☐

County Budget Accounts:

Revenue Account and Line: Click or tap here to enter text.

Revenue Amount: Click or tap here to enter text.

Appropriation Account and Line: Click or tap here to enter text.

Appropriation Amount: Click or tap here to enter text.

Source of Funding - (Percentages)

Federal: Click or tap here to enter text.

State: Click or tap here to enter text.

County: Click or tap here to enter text.

Local: Click or tap here to enter text.

Term

Term: (Start and end date) Click or tap here to enter text.

Length of Contract: Click or tap here to enter text.

Impact on Pending Litigation

Yes ☐ No ☒

If yes, explain: Click or tap here to enter text.

Previous requests for Identical or Similar Action:

Resolution/Law Number: Click or tap here to enter text.

Date of Adoption: Click or tap here to enter text.

Justification: (state briefly why legislative action is requested)

The Albany County Green Building Incentive Program will encourage the construction of green buildings in Albany County by providing tax incentives for new construction and qualifying reconstructions that meet the LEED certification standard for green buildings. Buildings are one of the largest contributors of carbon emissions and represent one of the toughest challenge to the decarbonization of our economy. This program is one tool to help address this challenge. The value of the construction or reconstruction project must be greater than \$10,000 and the maximum taxable value to be abated shall be capped at \$1,000,000. The amount of the exemption is determined by the level of LEED status achieved, as prescribed by NYS Real Property Tax Law Section 470.

LOCAL LAW NO. ____ FOR 2022

A LOCAL LAW OF THE COUNTY OF ALBANY ENACTING SECTION 470 OF THE REAL PROPERTY TAX LAW – PROVIDING FOR AN EXEMPTION FROM COUNTY TAXES FOR UP TO 10 YEARS FOR THE CONSTRUCTION OF BUILDINGS MEETING LEED STANDARDS

Introduced: 10/01/2022

By

Section 1. Title

This Local Law shall be known as “Exemption for LEED Certification.”

Section 2. Legislative Intent

It is the intent of this Local Law to provide an exemption from county real property taxes for newly constructed or the renovated portion of buildings that achieve LEED certification.

The County of Albany continues its dedication and commitment to enacting policies and legislation which support increased sustainability and energy conservation.

This Legislature hereby finds and determines that incentivizing the construction of new buildings and the renovation of existing buildings according to LEED standards is a continuation of that commitment and dedication to sustainability and energy conservation.

Section 3. Purpose

The purpose of this Local Law is to encourage and incentivize the new construction and renovation of buildings that meet LEED standards in order to promote sustainability and energy conservation throughout the County of Albany.

Section 4. Exemption from Taxation

An exemption shall be granted from County tax purposes based upon the scale below for projects that achieve LEED certification according to the standards in effect at the time of completion of construction or renovation. Additionally, the maximum (taxable) value to be abated shall be capped at \$1,000,000.

PERCENTAGE OF EXEMPTION

Year of Exemption	Certified/Silver	Gold	Platinum
1	100%	100%	100%
2	100%	100%	100%
3	100%	100%	100%
4	80%	100%	100%
5	60%	80%	100%
6	40%	60%	100%
7	20%	40%	80%
8	0%	20%	60%
9	0%	0%	40%
10	0%	0%	20%

Section 4. Severability

If any clause, sentence, paragraph, subdivision, or part of this Local Law or the application thereof to any person, firm, or corporation, or circumstance, shall be adjudged by any court of competent jurisdiction to be invalid, such determination shall not affect, impair or invalidate the remainder thereof, but shall be confined in its operation to the clause, sentence paragraph, section or chapter thereof directly involved in the proceeding in which adjudication shall have been rendered. This Local Law shall not supersede any applicable state or federal laws or regulations with regard to the subject matters set forth herein.

Section 5. Effective Date and Applicability

This Local Law shall be effective immediately upon filing in the Office of the Secretary of State and shall apply to all new construction and renovations occurring on or after the effective date of this law.

Assessor Manuals, Exemption Administration

Exemption Administration Manual—Part 2: Industrial, Commercial, and Public Service

Section 4.06 - RPTL Section 470: Green buildings

Exemption code(s):

Green Building—Certified/Silver	4784_
Green Building—Gold	4785_
Green Building - Platinum	4786_

Year originally enacted:

2012

Related statutes:

None.

Summary:

If allowed by local option, construction of improvements which is commenced or after January 1, 2013 or such later date as may be specified in local law and which is certified as meeting one of three levels of energy efficiency and environmental standards is partially exempt from taxation but liable to special ad valorem levies and special assessments. Such partial exemption is measured as the value added to the property by the improvements, and varies according to the level of certification standard which is met.

Eligibility requirements

Ownership requirements:

Property must be owned by an individual or individuals, or by a private organization.

Property location requirements:

None.

Property use requirements:

Property constructed or reconstructed must meet certification standards for green buildings (LEED or equivalent to certified/silver, gold or platinum), as determined by an accredited professional. Such property must meet standards established by LEED, the Green Building Initiative's Green Globes rating system, the national green building standards as approved by the American National Standards Institute (ANSI), or substantially equivalent green building standards determined by the taxing jurisdiction. The certification of the property as meeting the applicable standard must be certified by a professional accredited with respect to the applicable rating system.

The value of the construction or reconstruction project must be greater than \$10,000, and may not be one of ordinary maintenance and repairs.

Certification by state or local government:

The construction or reconstruction project must be documented by a building permit or other documentation as required by the assessor, such as a certificate of occupancy.

Required construction start date or other time requirement:

Construction of improvements must commence on or after January 1, 2013, or such later date as may be specified in local law, ordinance or resolution.

Local option

Yes. The taxing jurisdiction is allowed the following choices:

1. **Adopt the Exemption:** The governing board of a county, city, town or village must pass a local law or ordinance to adopt the exemption after a public hearing, or, in the case of a school district, a resolution.
2. **Limit the Exempt Amount:** the governing board of a county, city, town or village may establish a maximum exempt amount in its local law or ordinance after a public hearing, or, in the case of a school district, a resolution.
3. **Construction Start Date:** The taxing jurisdiction may specify in its local law, ordinance or resolution any date after that required by state law (see Required Construction Date or Other Time Requirement above) as the date after which the construction or reconstruction project must have commenced for the property to be eligible for exemption.
4. **Green Building standards:** The governing body of each taxing jurisdiction allowing the exemption may adopt standards for certification of green buildings, provided standards under such program are substantially equivalent to those certification standards established by LEED, the American National Standards Institute national green buildings standard, or the Green Buildings Initiative's Green Globe Rating System. (see Property Use Requirements above).

Limitation on exemption

Limitation on exemption by amount, duration, and taxing jurisdiction

	General municipal taxes	School district taxes	Special ad valorem levies	Special assessments
1. Amount	Yes*	Yes*	No exemption allowed**	No exemption allowed
2. Duration	Yes*	Yes*	No exemption allowed**	No exemption allowed
3. Taxing jurisdiction				
a. County or county special districts	Ex**	NA	Tax	Tax
b. City	Ex**	NA	NA	Tax
c. Town or town special district	Ex**	NA	Tax	Tax
d. Village	Ex**	NA	NA	Tax
e. School District	NA	Ex**	NA	NA
Ex - Exempt Tax - Taxable NA - Not Applicable				

* See Calculation of Exemption below.

** If allowed by local option.

Payments in lieu of taxes

None required.

Calculation of exemption

General municipal and school district taxes:

The schedule to be followed in calculating the exemption depends on which exemption applies to the project that meets energy efficiency and environmental design standards in one of three categories specified in the LEED or equivalent program: certified/silver; gold; or platinum (standards for each category can be found at www.usgbc.org or their functional equivalents standards under the acceptable alternative programs, as certified by the accredited professional). For all three exemption schedules below, the exempt amount for each year is calculated as a percentage of the increase in assessed value attributable to the construction or reconstruction meeting the LEED or equivalent standards in the initial year of the term of each exemption schedule. The following percentages of such increase in assessed value should be applied as follows:

Year and percentage of exemption

Year of exemption	Percentage of exemption		
	(1) Certified/Silver	(2) Gold	(3) Platinum
1	100	100	100
2	100	100	100
3	100	100	100
4	80	100	100
5	60	80	100
6	40	60	100
7	20	40	80
8	0	20	60
9	0	0	40
10	0	0	20

Special ad valorem levies and special assessments:

No exemption allowed.

Coding of exemption on assessment roll

Code	Description of alternative codes possible
4784_	Green Building -- Certified/Silver
4785_	Green Building -- Gold
4786_	Green Building -- Platinum

Note: these codes should not be used to identify property that is exempt under any of the statutes listed under Similar Exemptions below. For coding of such properties, see the exemption profile for the statutes that apply.

Filing requirements (owner or occupant of property)

Form RP-470 -- Application for Tax Exemption of Green Buildings

Reporting requirements (assessor)

None.

Similar exemptions

New residential property in certain cities	RPTL §485-m
Residential capital improvements in city of Auburn (Cayuga County)	RPTL §421-ff

Exemption Application Form and Instructions:

Available at [Property tax forms - Exemptions](#).

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Please send general questions or comments to [ORPTS](#).