

NEW YORK Appendix

Key NEW YORK Subsidy Programs

Program	Recent Annual Cost	Online Recipient Disclosure	Recipient Disclosure Score*
Brownfield Cleanup Program – corporate tax credit program created to encourage remediation and development of old industrial sites; its cost has ballooned	\$503 million (2013)	source	23/100
Empire State Film Production Credit – fully refundable corporate tax credits for film production costs; also provides sales tax exemptions	\$374 million (2013)	None	0/100
Excelsior Jobs Program – created in 2010 as a less expensive and more accountable replacement for the Empire Zone Program; provides corporate tax credits linked to job creation, investment and R&D expenses	\$150 million (2013)	source	41/100
Industrial Development Agencies – controversial system of decentralized agencies that provide lavish state sales tax exemptions and local property tax abatements	\$560 million (2011)	source 1 source 2	66/100
Start-UP NY – a large-scale tax exemption program created in 2013 that will establish tax-free “zones” on or near college campuses around the state. The program also provides exemptions of personal income taxes for employees of participating businesses for the first five years and up to ten years.	\$100 million (estimate)	Not available until December 2014	60/100
Average of Disclosure Scores for All Programs			38% (190/500)

*See next page for scoring details

Show Us the Subsidized Jobs: Scoring Details for NEW YORK Programs		<i>Maximum possible score for category</i>	Brownfield Cleanup Program	Empire State Film Production Credit	Excelsior Jobs Program	Industrial Development Agencies	Start-UP NY
<i>Score criteria</i>							
Subsidy Value	BOTH amount approved AND actual amount disbursed/claimed (15) -	15	15	0	15	10	15
	Either amount approved OR actual amount disbursed/claimed (10) -or-						
	Performance-based with actual amount disbursed/claimed (15)						
Status of Award	Indication or whether award is completed, active, terminated (5)	15	0	0	0	0	5
	Disclosure of whether enforcement action taken (5)						
	Disclosure of amount clawed back or recalibrated or rescinded (5)						
Jobs Reporting	Number of jobs or training slots promised/projected ONLY (5) -or-	20	0	0	20	20	20
	Actual number of jobs created/retained or trainings ONLY (15) -or-						
	BOTH promised/projected and actual (20)						
Wages Reporting	Wage rates/payroll promised/projected only (10) -or-	20	0	0	0	18	10
	Actual wage rates/payroll only (15) -or-						
	Both promised and actual (18) -or-						
	Either promised and actual with wage disaggregation (20)						
Project Information	Location with street address (10)	15	0	0	0	10	10
	Indication whether the project is a relocation (3)						
	Project documents OR total subsidy package data (2)						
Company Information	DUNS or FEIN (2)	5	0	0	0	0	0
	NAICS (1)						
	Parent company (2)						
User Features	Ease of access (3)	10	8	0	6	8	0
	Multiple years of data (3)						
	Downloadable (2)						
	Part of or linked to a wider government transparency site (2)						
<i>Total before penalty</i>		100	23	0	41	66	60
<i>Penalty points (see reasoning on following page)</i>			0	0	0	0	0
TOTAL PROGRAM SCORE			23	0	41	66	60

* See next page for notes on scoring

New York Program Scoring Notes

[New York Appendix page 3]

Brownfield Cleanup Program

Disclosure Website:

http://www.tax.ny.gov/research/stats/statistics/special_interest_reports/brownfield_credit/brownfield_credit_reports.htm

The New York State Department of Tax and Finance is required to produce the Brownfield Credit report each year. The disclosure includes both a link to the individual Brownfield Redevelopment Developer Reports and a link to an Excel spreadsheet, which lists costs and credit by recipient.

In a [report](#) prepared for the New York State Tax Reform and Fairness Commission, authors Marilyn Rubin and Donald Boyd provided a critique of the program, which was scheduled to sunset in 2015. The report advised reworking the credit to focus on reducing the cost of clean up and away from tangible property and development costs for wealthier areas of the state. In [Governor Cuomo's Executive Budget](#), released January 2014, the Brownfield program is extended for 10 years, with reforms proposed to extend remediation credits to cover clean-up costs and redevelopment credits would be applied to properties that have been vacant for over a decade.

Points for User Features include ease of access, multiple years of data, and downloadability.

Empire State Film Production Credit

Disclosure Website:

http://www.tax.ny.gov/research/stats/statistics/special_interest_reports/film_credit/film_production_tax_credit_reports.htm

And <http://esd.ny.gov/Reports.html>

Because there is no recipient disclosure for the Empire State Film Production Credit, the score is zero. However, the program does have two online reports that provide some information on projects that were subsidized; though recipient names are not given. The first site contains older reports from March 2006 to December 2011; the most recent report from October 2013 is found on a separate website. In both cases, however, the report is a PDF of an outline of costs. The older reports provide a table with a breakdown of credits issued. The ESD disclosure link goes to a table listing qualified costs for projects in the program. Neither report provides any recipient disclosure with company name.

Excelsior Jobs Program

Disclosure Website: <http://esd.ny.gov/BusinessPrograms/Excelsior.html>

ESD is required to provide quarterly reports on the Excelsior Jobs Program. The disclosure website links to a PDF report giving an overview of enrollment as well as two PDF charts that describe businesses admitted to the program with name, region and tax credit amount. The number of jobs promised and the actual number of jobs created are provided in the report for Businesses Issued Credits.

Points for User Features include: ease of access and multiple years of data.

Industrial Development Agencies

Disclosure Website: <http://www.osc.state.ny.us/localgov/pubs/research13.htm>

and http://www.osc.state.ny.us/localgov/datanstat/findata/index_choice.htm

The first site is a list of research reports by the Office of the State Comptroller on major policy issues pertaining to local governments, including the 2013 Annual Performance Report on New York State's Industrial Development Agencies - Fiscal Year Ending 2011. The second link goes to the Office of the State Comptroller's tool for downloading Excel spreadsheets of local government data. For the most recent available list of IDA projects and costs, select Industrial Development Agencies, summary of data; 2011.

Points for User Features include: ease of access, multiple years of data and downloadability.

Start-Up NY

Disclosure Website: none; reporting has not yet begun for the program. The first report is due December 31, 2014 and will be annual thereafter.

This program was selected for inclusion in this report based on its size and scope. It will create tax free zones throughout the state on and around State University of New York and private college campuses. Participating companies will pay no taxes – income, business, property, sales, state or local taxes, or franchise fees – for up to 10 years. Legislation creating these tax free zones (SUNY Tax Free Areas to Revitalize and Transform Upstate New York program, START-UP NY) was signed by Governor Andrew Cuomo in June 2013. The legislation and regulations provide information on reporting requirements for the program. We base our scores on what was strictly outlined in these two official documents.

According to the legislation, the Commissioner of the Department of Economic Development and the New York State Department of Economic Development are required to publish an

annual report on the Department's website with the names and addresses of businesses within the newly created tax-free zones. Additional information including total amount of benefits received per business and number of net new jobs created are also expected to be included in the report. For the purposes of our report, we are expecting all the reporting categories mentioned in the official documents to be contained in the forthcoming report.

An overview of the categories for which this program received points:

For Subsidy Value: Amount approved and amount disbursed. According to the legislation, the commissioner's report must include the total amount of benefit certified, total amount of benefits distributed and benefits received per business.

For Status of Award: Points are given for indicating whether an award is completed, active or terminated. The regulation requires that at application, each participating company must provide: (a) performance benchmarks and (b) a statement of benefit termination and/or recapture for failure to meet performance benchmarks. An annual verification report of these benchmarks is required, which the commissioner may disclose.

For Jobs Reporting: Full value is given due to the provision in the regulations for reporting net new jobs created per business and projected number of net new jobs to be created (based on information contained in the application).

For Wages Reporting, credit is given based on a requirement in the statute that businesses must prepare an annual report to the commissioner including wages paid for the newly created jobs.

For Project Information, credit is given for providing a location with street address; the statute states the commissioner shall disclose publicly the name and address of business located in the tax-free zones.