

Countywide Industrial Development Agency Uniform Tax Exemption Policy

Town of Amherst Industrial Development Agency, the Town of Clarence Industrial Development Agency, the Town of Concord Industrial Development Agency, the Town of Hamburg Industrial Development Agency, the Town of Lancaster Industrial Development Agency and the Erie County Industrial Development Agency

Adopted December 12, 2001
Amended as of January 1, 2010

** Erie County Industrial Development Agency Amendment as of September 12, 2012 – Hotel/Motel Policy Amendment – See Attachment A

** Erie County Industrial Development Agency Amendment as of June 17, 2015 – For-Profit Market Rate Rental Senior Citizen Housing Policy Amendment – See Attachment B

The purpose of Industrial Development Agencies (“IDA”) in Erie County is to promote economic development, prevent economic deterioration, and advance job opportunities and the general prosperity and economic welfare of the people of Erie County through the creation or retention of jobs and the expansion and diversification of the County's tax base. To do this, the IDAs of Erie County encourage the construction, acquisition, retention and/or expansion of certain projects, as specifically identified below, and as authorized under Article 18-A of the New York General Municipal Law, by providing for the claiming of real property tax abatements and exemption from sales, use, and mortgage recording tax (collectively, “IDA Incentives”). The IDAs in Erie County have adopted this Uniform Tax Exemption Policy (the “Policy” and/or “Countywide Policy”) to provide for uniform policies for the claiming of IDA Incentives.

Subject to compliance with all the requirements of Article 18-A of the New York General Municipal Law, proposed projects and/or projects with occupants whose businesses fall within the following categories are hereby determined to be eligible for IDA Incentives. Specific project approval granting IDA Incentives is subject to the approval by the appropriate authorized IDA.

I. Eligible/Qualified Projects and Applicants

In order to be eligible for IDA Incentives, the applicant and/or its proposed occupant must be engaged in a permissible business activity as identified below and, as applicable, be identified with a qualifying North American Industry Classification System (NAICS) code as identified below.

A. Traditional Manufacturing - Examples include: agricultural production; natural resource exploration, processing and manufacturing; generation and distribution of utility services; transformation of materials into new products; etc.

North American Industry Classification System Sectors:	
11 Agriculture, Forestry, Fishing & Hunting	22 Utilities
21 Mining	31-33 Manufacturing

B. Distributive Services - Examples include: wholesaling durable and non-durable merchandise; air, rail, water, truck transportation and support activities; warehousing and storage;

publishing; motion picture and sound; broadcasting and telecommunications; information services and data processing; etc.

North American Industry Classification System Sectors:	
42 Wholesale Trade	51 Information
48-49 Transportation & Warehousing	

C. Business Services - Examples include: finance; international trade; accounting; engineering; research & development; management services; back office facilities in support of customer service, sales & marketing, and technical assistance; specialized training services; machinery & equipment repair; space research; national security; real estate rental, etc.

North American Industry Classification System Sectors:	
52 Finance & Insurance	56 Administrative & Support and Waste Management & Remediation Services
53 Real Estate and Rental & Leasing	61 Educational Services
54 Professional, Scientific & Technical Services	81 Other Services
55 Management of Companies & Enterprises	92 Public Administration

D. Arts, Entertainment and Recreation - Examples include: performing arts, theater companies, sports arenas, museums, historical sites, amusement and theme parks, casinos, golf courses, skiing facilities, all open to the general public.

North American Industry Classification System Sectors:
71 Arts, Entertainment and Recreation

E. Additional Business Activities/Projects deemed eligible for IDA Incentives

i. Venture and/or Multi-tenant Facilities - Facilities having more than one project occupant, provided, however, that at least two-thirds of the facility or property constituting the total project cost (including costs of tenant improvements) is used for permissible business activities as described herein.

ii. Long-Term Care Facilities – For-profit facilities including elderly housing, nursing homes, adult homes and assisted and/or assistive living centers. To be determined eligible for assistance, projects must prove a demonstrable need for such facilities within Erie County. Additionally, an application for assistance must be accompanied by a certificate of need, if required by State law, and must be in compliance with any and all other requirements mandated by state or local law.

iii. Civic Facilities - Facilities owned or occupied by a not-for-profit corporation authorized to conduct activities in New York State. Civic facilities may include: (a) dormitories for educational institutions; (b) facilities as defined in article twenty- eight of the public health law; and (c) housing facilities primarily designed to be occupied by individuals sixty years of age or older. Such facilities must be in compliance with all necessary requirements under state law.

iv. Hotels/ Motels – IDA Incentives for hotels and motels will be restricted to capital costs associated with the renovation or rehabilitation of existing hotel/ motel properties

within Erie County. As such, hotel/ motel projects are eligible for mortgage tax exemption (if applicable) and sales tax exemption on capital costs only. If renovation results in an increased assessment, project applicant will be eligible for abatement in accordance with §485-b of the New York State Real Property Law. IDA Incentives will also be provided to a hotel constructed in connection with a new convention center or in connection with a major regional destination attraction. A conference center constructed in connection with or as a part of a new hotel would be eligible for financial assistance, provided that the center has stand alone food service facilities and provides state of the art conference center amenities (i.e., modern computer, teleconferencing, audio visual and speaking equipment) and provided further that an appropriate market analysis demonstrates that a significant portion of the center's customers would come from outside of Erie County, with any financial assistance to apply only to the conference center component of the overall project.

v. Medical Projects - Pursuant to the Countywide Policy, medical facilities (such as doctor's offices, clinics and laboratories) are designated as generally not eligible for IDA Incentives. The Countywide Policy is hereby clarified to recognize the following exceptions to this general restriction:

1. Back office medical support facilities, if regional in nature and if a significant portion of its operations support activities outside of Erie County, would be eligible for IDA Incentives;

2. Projects that provide leading edge technology facilities, with a demonstrated commercialization potential or associated local research component, would be eligible for IDA Incentives; and

3. Facilities that provide medical services that are generally not available, provided that an appropriate market analysis confirming such unavailability is provided, would be eligible for IDA Incentives.

vi. Adaptive Reuse Project - IDA Incentives may be provided to an Adaptive Reuse Project that involves adapting old structures or sites for new purposes, including potentially a mix of business and commercial uses, and/or market rate housing, but excluding hotel and motel uses except as otherwise permitted within this Policy. An Adaptive Reuse Project is one that will benefit Erie County by redeveloping a blighted site or structure, promoting infill development utilizing existing infrastructure, creating new economic activity at difficult sites and buildings thus helping to eliminate neighborhood slum and blight, promoting re-use of existing buildings and sites, and helping to maintain a neighborhood's fabric.

Adaptive Reuse Projects are projects that prevent economic deterioration and promote employment opportunities. In contemplating making IDA Incentives available for a potential Adaptive Reuse Project, an IDA may consider: (i) the age of the structure and the challenges to its redevelopment; (ii) time period during which the structure has been vacant or underutilized; (iii) whether the structure is generating significant rental income; (iv) whether the project is compliant with the investment and growth criteria of the Framework for Regional Growth Plan; (v) appropriate evidence indicating financial obstacles to the development of the project without IDA or other public assistance; (vi) evidence of local governmental support; (vii) whether the structure or site presents a significant public safety hazard or its re-use would involve significant environmental remediation costs; (viii) whether the site or structure is located in a distressed census tract; (ix) whether the structure presents significant costs associated with

building code issues; (x) whether the site or structure is presently delinquent in property tax payments; and (ix) such additional criteria as may be developed from time to time.

vii. Neighborhood Enhancement Area Project – IDA Incentives may be provided to a Neighborhood Enhancement Area Project. As a general rule, IDAs have traditionally been restricted in assisting retail projects (NAICS Sectors 44-45 Retail Trade) and medical facilities such as doctor's offices, clinics and laboratories (NAICS Sector 62 Health Care and Social Assistance), subject to certain statutory exceptions thereto. However, in an effort to revitalize and renovate the numerous neighborhood business districts throughout Erie County, the IDAs of Erie County will consider such a project for assistance if it is located in or contemplating relocating to areas of the County that are designated, by the respective municipal legislatures, as Neighborhood Enhancement Areas, provided such a project is otherwise consistent with the requirements of Article 18-A of the New York General Municipal Law. It should be noted that in order to qualify for eligibility, the various municipalities within the County must develop a neighborhood redevelopment strategy and designate those areas for which IDA Incentives may be made available. Facilities qualifying for IDA Incentives as a Neighborhood Enhancement Area Project will receive a partial abatement from real property taxes equivalent to the abatement permitted under §485-b of the New York State Real Property Law.

II. Ineligible Projects and Applicants

Potential applicants/projects and /or a proposed occupant that is engaged in the business activities as identified below are generally ineligible for IDA Assistance.

- A. Construction.** Construction and all subgroups under NAICS code 23.
- B. Retail Trade.** Retail trader and all subgroups under NAICS code 44 and 45.
- C. Transportation and Warehousing.** Transportation and Warehousing including NAICS codes 485- 485999, 487- 487990, and 491- 492210
- D. Information.** Information under NAICS code 51213 – 512132.
- E. Finance and Insurance.** Finance and Insurance under NAICS codes 521-522212, 523-523999, 5242-524210
- F. Real Estate Rental and Leasing.** Real estate rental and leasing under NAICS Code 531-5311; 53113-533110.
- G. Administrative and Support and Waste Management Remediation Services.** Administrative and support and waste management and remediation services under NAICS code 5615-561790; 562-562998.
- H. Educational Services.** Educational services and all subgroups under NAICS Code 61 ineligible for “for-profit” companies.
- I. Arts, Entertainment and recreation.** Arts, entertainment and recreation and all subgroups under NAICS code 71.

- J. Other Services.** All other services under NAICS code 813-814110 (ineligible for "for Profit" companies only); 811-811213; 8114-81233; 8129-81292; 812922-812990.
- K. Public Administration.** Public administration and all subgroups ineligible for "for profit" companies under NAICS code 92.

III. Applicants/projects and project occupants potentially eligible for IDA Assistance

Companies with operations that that fall within other NAICS subgroups, which are identified below, have not been designated by the Policy to be generally eligible or ineligible, but may be considered for financial assistance by an IDA in its discretion.

- A. Finance and Insurance.** Finance and insurance under NAICS code 52429-524298.
- B. Real Estate and Rental and Leasing.** Real estate and rental and leasing under NAICS code 53111-531110.
- C. Professional, Scientific and Technical Services.** Professional, scientific and Technical services under NAICS code 56.

IV. Exemption from Real Property Taxes: Payments in Lieu of Taxes

The IDAs maintain a policy for the provision of real property tax exemptions with a corresponding Payment In Lieu Of Tax Agreement ("PILOT Agreement") to provide abatements for qualified projects. Each project receiving an abatement from real property tax will be subject to a PILOT Agreement in a form acceptable to the IDA.

Typically, a PILOT Agreement will require the developer (and its successors) to make payments to a municipality and/or school district in accordance with a graduated scale over a certain period of time based upon a percentage of the taxes that would otherwise be due on the value-added portion of the tax assessment. The real property tax abatement for each project classification applies only to the assessed value added by construction or renovation of the project. Typically, there is no real property tax abatement on the pre-improved assessed value of the real property. Such PILOT Agreement will also require payment of any and all special district assessments.

The schedule used to calculate PILOT payments, and the amount of such payments, is not set forth in statute. PILOT payments must be made in accordance with the PILOT payment schedules included within this Policy. Any deviation by an IDA from such established PILOT payment policy will be made only with the specific approval of the IDA's members after giving consideration to the Policy and those factors described in the New York State General Municipal Law Section 874(4)(a). The IDA shall notify the affected local taxing jurisdictions of the proposed deviation from such policy and the reasons therefore. In addition to notifying the affected tax jurisdictions, the IDA shall provide written notice to all other IDAs of Erie County of the proposed deviation and the reason for the proposed deviation. Each other IDA shall be invited to submit written comments to the IDA proposing to deviate which comments shall be considered by the IDA proposing to deviate. Based upon the comments received from the affected tax jurisdictions

and the other IDAs, the IDA shall make its decision and provide a written explanation as to its decision.

The Countywide IDA PILOT Policy provides tiered real property tax abatement schedules or categories of real property tax abatement schedules to incentivize certain investments over others. In this manner, projects that meet all or some of the region's planning and economic development goal criteria will be rewarded with a more beneficial real property tax abatement schedule in comparison to those projects that meet less of the region's planning and economic goal criteria. To meet this goal, a three tiered PILOT incentives schedule will be utilized. Consideration of the following "PILOT Tier Criteria" will be utilized in analyzing and selecting the appropriate tiered PILOT schedule to be utilized for each particular project. Note this list is not exhaustive and may be amended from time to time.

1. Employment – project/companies will be rated based upon total payroll, of existing jobs and jobs to be created/retained.
2. Out of Region Sales – projects/companies will be rated based upon the percentage of sales that are outside of the region.
3. In Region Purchases – projects/companies will be compared with the industry averages.
4. Capital Investment – projects/companies will be rated using a cost benefit analysis model such as IMPLAN.
5. Cluster/Regionally Strategic Industry – projects/companies within the identified cluster or regionally strategic industry.
6. Framework For Regional Growth Compliance – projects/companies will be evaluated for compliance with regional planning objectives.
7. Brownfield site – whether the project is located within a brownfield site.
8. Other - projects/companies that:
 - Are locally owned
 - Utilize green technologies
 - Have substantial professional development/lifetime learning programs

Unless otherwise agreed by the affected taxing jurisdictions, such PILOT Agreement payments shall be allocated among the affected taxing jurisdictions in proportion to the amount of real property tax and other taxes which would have been received by each affected taxing jurisdiction had the project not been tax exempt due to the status of the IDA involved in the project.

Pursuant to Section 874 of the New York General Municipal Law and Section 412-a of the Real Property Tax Law, no real estate tax exemption with respect to a particular project shall be effective until an Exemption Form is filed with the assessor of each county, city, town, village and school district in which such project is located (each, a "Taxing Jurisdiction"). Once an exemption form with respect to a particular project is filed with a particular Taxing Jurisdiction, the real property tax exemption for such project does not take effect until (1) a tax status date for such Taxing Jurisdiction occurs subsequent to such filing, (2) an assessment roll for such Taxing

Jurisdiction is finalized subsequent to such tax status date, (3) such assessment roll becomes the basis for the preparation of a tax roll for such Taxing Jurisdiction, and (4) the tax year to which such tax roll relates commences.

Below is a listing of the current tiered PILOT schedules.

A. Tier 1: Seven Year PILOT Schedule

A seven year PILOT schedule will be applied to multi-tenant projects and projects that are rated at the low range of the PILOT Tier Criteria. Projects that do not comply with the Framework for Regional Growth can only qualify for the seven year PILOT Schedule.

Year	1	2	3	4	5	6	7
% Abatement	90%	90%	80%	80%	70%	70%	70%

B. Tier 2: Ten Year PILOT Schedule

A ten year PILOT Schedule as depicted below will be applied to certain projects that are rated in the middle range of the PILOT Tier Criteria.

Year	1	2	3	4	5	6	7	8	9	10
% Abatement	90%	90%	90%	80%	80%	80%	70%	70%	70%	70%

C. Tier 3: Enhanced Jobs Plus PILOT Schedule

A ten year PILOT Schedule as depicted below will be applied to projects that are rated at the high range of the PILOT Tier Criteria.

Year	1	2	3	4	5	6	7	8	9	10
% Abatement	100%	100%	100%	100%	100%	100%	100%	90%	80%	70%

D. Other Classifications

i. Life Care Community Project - Life Care Communities (also known as Continuing Care Retirement Communities) are 501(c)(3) corporations. A Special/Custom PILOT may be considered when such consideration is needed to obtain project approvals from the New York State including the Department of Insurance.

V. Exemption from Sales and Use Taxes

The IDAs maintain a policy for the provision of sales and use tax exemptions.

Personal property that is purchased in connection with a qualified project shall be exempt from local and State sales and use taxes for the period commencing with the closing and ending on the date (as such date may be extended in the sole discretion of the IDA) by which project documents require completion to occur in respect of the undertaking of the project or other project activities. The Tax Letter may be given prior to a financial closing as authorized by an IDA. For purposes of this exemption, “personal property” may include building materials, fixtures,

furnishings and equipment, as well as certain services that may relate to any of the foregoing, provided that such purchases and equipment rentals and services are made by an entity as agent for the IDA. As such, such purchases will then be afforded full exemption from local and New York State Sales and Use Taxes until the project is completed (i.e. certificate of occupancy). Operating and maintenance expenses of projects are not incurred as agent of the IDA, and no sales tax exemption is provided thereof.

All project applicants must agree in writing to file with the New York State Department of Taxation, in form and at times required, an annual statement of the value of all sales and use taxes exemption claimed in connection with the facility in full compliance with Section 874(8) of the General Municipal Law.

VI. Exemption from Mortgage Recording Taxes

The IDAs maintain a policy for the provision of a mortgage recording tax exemption.

The Mortgage Recording Tax Exemption policy is to permit mortgage recording tax exemptions on all project related financing to the full extent permitted by New York State Law, whether or not the IDA has issued its bonds to finance the Project.

In addition, the IDA may, in its sole discretion, permit mortgage recording tax exemptions on non-project related financings, (e.g. second mortgages on the project to secure subordinated indebtedness of the project applicant). In determining whether to permit such exemptions on non-project related financing, the IDA shall consider such factors as it deems appropriate, including but not limited to the use of the property, the degree of investment, the degree and nature of the employment and the economic condition of the areas in which the facility is located.

VII. PILOT Mortgage

The IDAs may require the establishment of a PILOT Mortgage as a condition within the closing documents where a mortgage is involved, in order to secure the position of the PILOT payments versus other secured and unsecured claims.

The purpose of a PILOT Mortgage is to secure unpaid PILOT payments with a lien against the real estate, if they are not paid, that mimics a real property tax lien. The lender agrees that the PILOT Mortgage will have priority over any mortgage given to secure the rights of bondholders or to secure any conventional financing. This would make the PILOT a secured obligation. The IDA may negotiate alternative forms of collateral to insure payments under the PILOT.

VIII. Countywide IDA Policy Considerations

In establishing this Policy for the provision of IDA Incentives and in considering amendments to this Policy, the IDAs are required to consider the following issues: (i) the extent to which a project will create or retain permanent private sector jobs; (ii) the estimated value of any tax exemptions to be provided; (iii) whether affected taxing jurisdictions shall be reimbursed by the project occupant if a project does not fulfill the purposes for which an exemption was provided; (iv) the impact of a proposed project on existing and proposed business and economic development projects in the vicinity; (v) the amount of private sector investment generated or likely to be generated by the proposed project; (vi) the demonstrated public support for a proposed project; (vii) the likelihood of accomplishing the proposed project in a timely fashion; (viii) the

effect of the proposed project upon the environment; (ix) the extent to which the proposed project will require the provision of additional services; and (x) the extent to which the proposed project will provide additional sources of revenue for municipalities and school districts.

IX. Deviation from Uniform Tax Exemption Policy

An IDA is required under Article 18-A of the New York General Municipal Law to establish a procedure for deviation from its uniform tax exemption policy. After taking into consideration the issues set forth in Section VIII, above, an IDA may determine to deviate from the guidelines and policies established herein. In addition to any deviations previously set forth herein, an IDA may deviate from such policies after complying with the following: (i) setting forth in writing the reasons for deviation from such policy; and (ii) notifying the affected taxing jurisdiction(s) of the proposed deviation and the reasons therefore.

X. Recapture of IDA Incentives

In the event that an IDA shall determine (i) that a project beneficiary has submitted an application, or documentation in support of an application, which contained a false or intentionally misleading statement as to any fact which is material to the project applicant's application for benefits or which omitted any information which, if included, would have rendered any information in the application or supporting documentation false or misleading in any material respect, and (ii) that such false or misleading statement or omission was made knowingly and intentionally for the purpose of obtaining financial assistance, then the project beneficiary shall forfeit any future tax exemptions or abatements and shall be required to pay to the appropriate taxing authority the amount of any real property, mortgage or sales tax abatements or exemptions received. The amount of benefits recaptured shall be: (i) for real property taxes, the difference between the amount of payment in lieu of taxes paid and the amount that would have been paid in real estate taxes if the IDA did not have an interest in the project; (ii) for sales taxes, the value of the sales tax exemption received and (iii) for the mortgage tax, the value of any mortgage recording tax for which an exemption was granted. Notwithstanding anything to the contrary contained above the failure of an applicant to meet any specific employment numbers set forth in the application or documentation supporting the application shall not be deemed to be false or misleading in any material respect. The IDAs recognize that businesses are not guaranteed to be successful and economic circumstances may also prevent applicants from achieving their employment goals.

XI. Intermunicipal Movement – Uniform Procedures

To ensure input from all interested parties and to fully document compliance by an IDA with the requirements of New York State law, the procedures outlined below will be followed by each IDA when a project applicant proposes to:

- i. relocate from one municipality within Erie County (the "Current Municipality") to a different municipality also within Erie County (the "Proposed Municipality"); or
- ii. when an applicant proposes to close or significantly reduce its operations within the Current Municipality and increase operations within the Proposed Municipality (with any significant reduction to be measured by the proposed movement of work force, relocation of fixed assets, or other like criteria).

In connection with such a proposed project, the applicable IDA will proceed only after complying with the following procedures:

A. The IDA will forward a written notice to the chief elected officers of the Current Municipality and the Proposed Municipality (along with their respective economic development designees), which notice shall include (i) the name, address and telephone number of the applicant along with the name of a contact person, (ii) the location within the Proposed Municipality that the applicant proposes to relocate to, and (iii) such other information or documentation with regard to the proposed relocation as the IDA may be in possession of (including a copy of the application for financial assistance, if completed). Such notice shall be sent by the IDA as soon as possible, but in no event later than five working days after receipt by the IDA of an application for financial assistance.

B. The application form to be used by each IDA will include questions soliciting information with regard to whom the applicant met with from the Current Municipality and a list of sites located in the Current Municipality that were considered by the applicant, along with the reasons for rejecting site(s) in the Current Municipality. If the applicant declines to respond to such questions or indicates that they have not met with representatives of the Current Municipality, the applicant will be strongly urged by IDA representatives to do so prior to submission to the IDA of the application for financial assistance.

C. Unless it is demonstrated that the applicant has contacted appropriate local economic development agencies, municipal officials, local realtors and/or other appropriate sources and has reviewed potential sites located in the Current Municipality, at the earliest possible moment IDA personnel will provide the applicant with a list of sites located within the Current Municipality that may be suitable for the applicant's purposes. IDA personnel will forward that list to the applicant and will send a copy of such transmittal to the chief elected officers of the Current Municipality and the Proposed Municipality (along with their respective economic development designees).

D. A written response or acknowledgement from the chief elected officer of the Current Municipality will be sought with regard to the application for financial assistance, and any such response or acknowledgement will be included in the record to be considered by the IDA Board when an approval of financial assistance is sought. This need not be a "sign off" or an approval of the relocation. The chief elected officers of the Current Municipality and the Proposed Municipality (and their respective economic development designees) will be invited to address the IDA Board when it considers any such application for financial assistance.

E. IDA staff shall provide a written certification (along with copies of appropriate back-up documentation) to the applicable IDA Board that items A-D have been complied with, at the time that the Board considers any application for financial assistance.

F. If the Current Municipality is the City of Buffalo and the applicant proposes to relocate to another municipality within Erie County, any application for financial assistance shall be processed and acted upon by the Erie County Industrial Development Agency ("ECIDA"). If the Proposed Municipality is the Town of Amherst, the Town of Clarence, the Town of Concord, the Town of Hamburg or the Town of Lancaster, (i) the Chairperson of the IDA for such Proposed Municipality (or his/her designee) will be invited to submit written comments to ECIDA with regard to the proposed project and to address the ECIDA Board when it considers such application for financial assistance, and (ii) administrative fees arising from such transactions will be payable

at the rates charged by the IDA for the Proposed Municipality and split equally between ECIDA and the IDA for the Proposed Municipality. Any extraordinary requirements that ECIDA may require as a condition of its approval of such project would only be imposed after consultation by ECIDA with the IDA for the Proposed Municipality.

G. With regard to proposed projects involving removal of a facility or plant from one area of New York State to another area of New York State, or in the abandonment of one or more plants or facilities in New York State, an IDA will make one or both of the determinations specified in General Municipal Law §862(1) (which permit the provision of financial assistance) only after having developed sufficient documentary evidence to support such determination(s) and only after having received a written certification from such IDA's staff that the statutory requirements have been satisfied. IDA staff are urged to review applications with counsel as soon as possible when it appears that the proposed project may involve a removal of a facility or plant from one area of New York State to another area of New York State or an abandonment of one or more plants or facilities in New York State, in order that appropriate data can be sought from the applicant on a timely basis so an IDA may consider whether either statutory determination may be appropriate.

XII. IDA Leadership Council

To encourage further collaborative efforts among the IDAs, to facilitate the uniform implementation of the Countywide Policy, and to provide a forum to address other common concerns with regard to economic development in Erie County, a Leadership Council of the IDAs will be established. Each IDA will designate one or more representatives to participate in the meetings of such Leadership Council, which are contemplated to occur on a quarterly basis. The Leadership Council will, through the consensus of its members, consider and resolve any concerns raised by an IDA with regard to the interpretation of the Uniform Policy, and will coordinate other joint activities of the IDAs to promote a countywide program of economic development.

XIII. Effective Date

This Uniform Tax Exemption Policy shall be effective as of January 1, 2010, and shall apply to all projects for which an IDA has adopted or adopts an Inducement Resolution after January 1, 2010, however, it shall not apply to projects for which an IDA, through issuance of its bonds, execution of leases, or the passage of an Inducement Resolution, has authorized any assistance prior to January 1, 2010, whether or not such projects are thereafter refinanced or modified.

XIV. Amendments

An IDA, by resolution of its members, and upon notice to all affected taxing jurisdictions as may be required by law, may amend or modify the this Policy as it may, from time to time, in its sole discretion determine.

Attachment A

Uniform Tax Exemption Policy Erie County Industrial Development Agency
Amendment September 19, 2012
Hotel/Motel Policy Amendment to
Countywide Industrial Development Agency Uniform Tax Exemption Policy
Section I(E)(iv)

ECIDA Hotel Assistance Policy

Hotels/Motels - IDA Incentives for hotels and motels will be restricted to capital costs associated with such projects as provided below.

1. Except as provided in paragraph 2 of this policy, the ECIDA will not provide assistance to a new hotel construction project or to a hotel renovation project.
2. The ECIDA will consider assistance to a new hotel construction project or a hotel renovation project if such project meets one of the following criteria:
 - a. It is a new hotel or an existing hotel that is substantially renovated in connection with a new or existing convention center and would substantially and directly impact the operations of such convention center.
 - b. It is a new hotel or a renovated hotel associated with a new conference center that primarily serves out of area users provided that the center has stand alone food service facilities and provides state of the art conference center amenities such as modern computer, teleconferencing, video conferencing, and modern audio visual capabilities. Provided further that a market analysis demonstrates that the primary portion of the conference center's customers would come from outside Erie County. In such instance, the conference center would also be eligible for Agency assistance.
 - c. It is a new hotel constructed in connection with a major regional destination attraction and the new hotel would directly support the operations of the major regional attraction.
 - d. It is a component part of an Adaptive Reuse Project that meets the additional requirements of the Agency's Adaptive Reuse Project policy; or it is a component part of a Neighborhood Enhancement Area Project and which is approved for Agency assistance.

Attachment B

Uniform Tax Exemption Policy Erie County Industrial Development Agency
Amendment June 17, 2015
For-Profit Market Rate Rental Senior Citizen Housing Policy Amendment to
Countywide Industrial Development Agency Uniform Tax Exemption Policy

For-Profit Market Rate Rental Senior Citizen Housing Policy

Notwithstanding anything contained within the Countywide Industrial Development Agency Uniform Tax Exemption Policy to the contrary, for purposes of eligibility, “Senior Rental Housing” is defined as a multi-family housing structure where at least 90% of the units are rented to and occupied by a person who is 60 years of age or older. No benefits will be provided for units that are not available for rent as a Senior Rental Housing.

Market rate senior housing projects approved by ECIDA are eligible for a PILOT the equivalent of the 485(b) property tax incentive that includes all taxing jurisdictions, a sales tax exemption on equipment and construction materials, and a mortgage recording tax exemption. An enhanced or custom PILOT may be considered for certain small scale projects where a particular need is being filled in a small village or town that does not contain alternative senior citizen housing and where the local taxing jurisdiction has requested the enhanced or custom PILOT and there is a showing of unmet demand for senior housing within the taxing jurisdictions and no prospect of this demand being satisfied through normal market forces.

Projects will be evaluated under the following criteria:

1. If the project has received written support from the city, town or village government in which it is located;
2. The location of the project with particular emphasis on if the project is located within the town, village or city center or within a recognized hamlet.
3. If the project is consistent with the applicable municipal master plan
4. If the project advances efforts to create walkable neighborhoods and communities for seniors in proximity to important local amenities and services.
5. If an independent market study shows a significant unmet need in the local community or specific neighborhood where seniors are unable to find appropriate housing opportunities.
6. If the project is located in areas of the Community where there are significant local resident populations that are at or below the median income level as defined by a 1- 5 mile radius of the project site.
7. If the project provides amenities that are attractive to seniors and differentiates the project from standard market rate housing apartments including but not limited to:
 - Community rooms, including social/recreational activities
 - In facility senior specific services and amenities
 - Senior oriented fixtures and safety amenities (hand-rails, ramps, elevators, safety devices etc.)
 - Security, call systems
 - On site medical services.
8. Impediments to the ability to conventionally finance the project and the project’s rate of return.
9. The project is targeted at and will be at least 50% occupied by senior citizens whose income is at or below 60 to 80% of the median income for Erie County.