



2022-23 ECIDA COMPLIANCE ASSESSMENT REPORT

AGENDA



**COMPLIANCE
MATERIAL TERMS**



**COMPLIANCE
SUMMARY**



**RECAPTURE
SUMMARY**



**SALES TAX
COMPLIANCE**



**LOCAL LABOR
RESULTS**

INVESTMENT

- Requires a private investment equal to at least 85% of the project cost
- Clients submit an investment certification

JOB RETENTION + CREATION

- Clients are required to maintain 90 or 95% of their jobs at application (150 or less retain 90%; 150+ retain 95%)
- Clients are required to create 85% of their job projections
- Monitored by quarterly employment surveys and NYS-45 form (or other supporting documentation)

LOCAL LABOR POLICY

- Requires that 90% of all construction workers to reside within the 8 counties of WNY (Erie, Niagara, Cattaraugus, Chautauqua, Allegany, Wyoming, Genesee, Orleans)
- Monitored by quarterly local labor reports

PAY EQUITY POLICY

- Requires clients to pay male and female employees the same wages for similar work
- Monitored by random pay equity audits; audits are performed by the Erie County Division of Equal Employment Opportunity

UNPAID REAL PROPERTY TAX POLICY

- Requires individuals who hold at least a 25% ownership interest in the applicant (entity receiving benefits) to pay all taxes on all properties located within Erie County
- ECIDA staff monitors by requesting a list of all properties in which the applicant has a 25% or more ownership interest. The property list is forwarded to the Erie County Commissioner of Real Property Services for confirmation that all real property taxes, special district charges and/or PILOT payments are current.

COMPLIANCE MONITORING MATERIAL TERMS

INVESTMENT

- 100% compliance

JOB RETENTION/CREATION

- Portfolio Compliance Rate (91%)
 - 2023 Total Projects Subject to Compliance: 109
 - 9% of the portfolio, 10 projects, were short of their employment goals.

LOCAL LABOR POLICY

- 100% compliance

PAY EQUITY POLICY

- 100% compliance
- In total, 5 audits were completed in 2022 and 2023.

UNPAID REAL PROPERTY TAX POLICY

- 100% compliance

COMPLIANCE SUMMARY

2023 Recapture Summary

- **Employment Retention/Creation:** 109 projects were monitored each quarter and subject to compliance requirements.
 - 91% compliance with employment retention/creation requirements.
- **PILOT Recapture:**
 - **9 projects** had payments recaptured due to employment shortfalls.
 - Options provided:
 - Repay the pro-rata incentive amount, or
 - Appear before the Policy Committee and ECIDA Board for alternative resolutions.
 - **Total recaptured: \$29,967.17.**
 - Funds redistributed to appropriate taxing jurisdictions.
- **PILOT Terminations:**
 - **2 projects**, Group V Real Estate (Tenant: Athenex Pharma) and Column Development (Tenant: L&W Supply), voluntarily terminated their PILOT agreements in 2023.

County Recapture	Town Recapture	School Recapture	Village Recapture	Total Recapture
\$5,469.87	\$8,265.16	\$14,808.93	\$1,423.21	\$29,967.17

Sales Tax Compliance

- **Board Approval:** Sets the maximum sales tax savings for each company.
- **Repayment Obligation:** Companies must repay any amount over the approved limit.
- **Monitoring:** Sales tax savings are tracked via ST-340 forms submitted to the NYS Tax Dept.; the Agency requests a copy.
- **Verification:** Staff compares Board-approved savings with ST-340 forms; excess savings require repayment.
- **Repayment Process:** Client sends repayment to the Agency, which submits an ST-65 form and forwards the check to the NYS Tax Dept.
- **Recent Repayments:** In 2022, three companies repaid a total of **\$149,442.55**; in 2023, two companies repaid a total of **\$145,606.35**.

2022-2023 Local Labor Results

- 100% with the Agency’s 90% local labor requirement
- Local Labor Waivers: The Board granted one (1) waiver in 2022 and another in 2023.

Key metrics

Year	Construction Workers Residing in the 8 counties of WNY	Construction Workers Residing outside the 8 counties of WNY	TOTAL Construction Workers	% in 8 counties of WNY	% outside 8 counties of WNY	Total Local Labor in Erie County	% in Erie County
2022	5,414	334	5,748	94.2%	5.8%	4,038	74.6%
2023	6,089	338	6,427	94.7%	5.3%	4,632	72.1%
TOTAL	11,503	672	12,175	94.5%	5.5%	8,670	71.2%

Thank you

Soma Hawramee
Compliance Portfolio Manager
716-856-6525 ext. 500
shawramee@ecidany.com
www.ecidany.com

Michelle Moore
Compliance Associate
716-856-6525 ext. 502
mmoore@ecidany.com
www.ecidany.com

