

5956--A

2009-2010 Regular Sessions

I N S E N A T E

June 19, 2009

Introduced by Sen. KRUGER -- read twice and ordered printed, and when printed to be committed to the Committee on Rules -- recommitted to the Committee on Local Government in accordance with Senate Rule 6, sec. 8 -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

AN ACT to amend the real property tax law, in relation to exemption from taxation of alterations and improvements to certain multiple dwellings to eliminate fire and health hazards

THE PEOPLE OF THE STATE OF NEW YORK, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

1 Section 1. Section 489 of the real property tax law is amended by
2 adding a new subdivision 4-d to read as follows:
3 4-D. (A) ANY SUCH LOCAL LAW MAY ALSO PROVIDE THAT A GROUP OF MULTIPLE
4 DWELLINGS WHICH IS OWNED AND OPERATED BY A MUTUAL REDEVELOPMENT COMPANY
5 ESTABLISHED PURSUANT TO ARTICLE FIVE OF THE PRIVATE HOUSING FINANCE LAW
6 WHICH CONTAINS A TOTAL OF TWENTY-EIGHT HUNDRED OR MORE DWELLING UNITS
7 SHALL BE ELIGIBLE FOR TAX EXEMPTION AND ABATEMENT FOR THE REPLACEMENT
8 AND IMPROVEMENT OF THE EXISTING HEATING, VENTILATION AND AIR COOLING
9 SYSTEM AND ASSOCIATED ASBESTOS ABATEMENT OR REMOVAL AS PROVIDED IN THIS
10 SUBDIVISION.
11 (B) ANY INCREASE IN ASSESSED VALUATION RESULTING FROM THE REPLACEMENT
12 AND IMPROVEMENT OF THE EXISTING HEATING, VENTILATION AND AIR COOLING
13 SYSTEM AND ASSOCIATED ASBESTOS ABATEMENT OR REMOVAL TO ONE OR MORE
14 MULTIPLE DWELLINGS WHICH ARE OWNED AND OPERATED BY A MUTUAL REDEVELOP-
15 MENT COMPANY AS DESCRIBED IN PARAGRAPH (A) OF THIS SUBDIVISION SHALL BE
16 EXEMPT FROM TAXATION FOR LOCAL PURPOSES. SUCH EXEMPTION SHALL BE EQUAL
17 TO THE INCREASE IN THE VALUATION WHICH IS SUBJECT TO EXEMPTION UNDER
18 THIS PARAGRAPH FOR THIRTY YEARS. AFTER SUCH PERIOD OF TIME, THE AMOUNT
19 OF SUCH EXEMPTED ASSESSED VALUE SHALL BE REDUCED BY TWENTY PERCENT IN
20 EACH SUCCEEDING YEAR UNTIL THE ASSESSED VALUE OF THE ALTERATIONS OR
21 IMPROVEMENTS IS FULLY TAXABLE. SUCH EXEMPTION MAY COMMENCE AT THE BEGIN-

EXPLANATION--Matter in *ITALICS* (underscored) is new; matter in brackets
[] is old law to be omitted.

LBD14258-03-0

1 NING OF ANY TAX QUARTER SUBSEQUENT TO THE START OF SUCH ALTERATIONS OR
2 IMPROVEMENTS. IN NO EVENT SHALL SUCH ALTERATIONS OR IMPROVEMENTS DIRECT-
3 LY OR INDIRECTLY RESULT IN AN EQUALIZATION INCREASE IN THE ASSESSED
4 VALUATION OF ANY MULTIPLE DWELLING FORMING PART OF THE MUTUAL REDEVELOP-
5 MENT COMPANY WHERE SUCH ALTERATIONS OR IMPROVEMENTS ARE PERFORMED.

6 (C) THE ABATEMENT OF TAXES IN A MUTUAL REDEVELOPMENT COMPANY DESCRIBED
7 IN PARAGRAPH (A) OF THIS SUBDIVISION, INCLUDING THE LAND, SHALL NOT
8 EXCEED THE GREATER OF (I) ONE HUNDRED FIFTY PER CENTUM OF THE CERTIFIED
9 REASONABLE COST OF THE REPLACEMENT AND IMPROVEMENT OF THE EXISTING HEAT-
10 ING, VENTILATION AND AIR COOLING SYSTEM AND ASSOCIATED ASBESTOS ABATE-
11 MENT OR REMOVAL, AS DETERMINED UNDER THE REGULATIONS OF THE LOCAL HOUS-
12 ING AGENCY ADMINISTERING THE LOCAL LAW, OR (II) THIRTY-FIVE PER CENTUM
13 OF THE ACTUAL CONTRACTED CONSTRUCTION COST OF ALL ALTERATIONS OR
14 IMPROVEMENTS MADE TO AND IN CONJUNCTION WITH THE REPLACEMENT OF THE
15 EXISTING HEATING, VENTILATION AND AIR COOLING SYSTEM AND ASBESTOS ABATE-
16 MENT OR REMOVAL, WHETHER OR NOT SUCH ITEMS ARE CURRENTLY IDENTIFIED IN
17 THE REGULATIONS OF THE LOCAL HOUSING AGENCY. SUCH ABATEMENT SHALL NOT BE
18 EFFECTIVE FOR MORE THAN TWENTY YEARS AND THE ANNUAL ABATEMENT OF TAXES
19 IN ANY CONSECUTIVE TWELVE-MONTH PERIOD SHALL NOT BE GREATER THAN EIGHT
20 AND ONE-THIRD PER CENTUM OF THE TOTAL ABATEMENT GRANTED AND SHALL NOT
21 EXCEED THE AMOUNT OF TAXES PAYABLE IN SUCH CONSECUTIVE TWELVE-MONTH
22 PERIOD. SUCH ABATEMENT SHALL BEGIN NO SOONER THAN THE FIRST QUARTERLY
23 TAX BILL IMMEDIATELY FOLLOWING THE COMPLETION OF SUCH ALTERATIONS OR
24 IMPROVEMENTS. THE LIMITATIONS SET FORTH IN SUBDIVISION FOUR OF THIS
25 SECTION FOR MULTIPLE DWELLINGS, BUILDINGS AND STRUCTURES OWNED AS COOP-
26 ERATIVES SHALL BE INAPPLICABLE TO BENEFITS GRANTED PURSUANT TO THIS
27 SUBDIVISION.

28 (D) IN THE EVENT THAT MULTIPLE ALTERATIONS OR IMPROVEMENTS ARE UNDER-
29 TAKEN IN A MUTUAL REDEVELOPMENT COMPANY DESCRIBED IN PARAGRAPH (A) OF
30 THIS SUBDIVISION, AND SEPARATE APPLICATIONS FOR BENEFITS THEREFOR ARE
31 MADE, ALL REQUIREMENTS CONCERNING PHYSICAL CONDITION OF AND COMPLIANCE
32 WITH LAW BY THE MULTIPLE DWELLINGS IN SUCH REDEVELOPMENT COMPANY SHALL
33 APPLY ONLY UPON COMPLETION OF ALL SUCH ALTERATIONS OR IMPROVEMENTS,
34 PROVIDED THAT ALL SUCH ALTERATIONS OR IMPROVEMENTS ARE COMPLETED WITHIN
35 SIX YEARS.

36 (E) EXCEPT AS PROVIDED IN THIS SUBDIVISION, ALL OF THE REQUIREMENTS
37 IMPOSED BY THIS SECTION ON PROJECTS DESCRIBED IN PARAGRAPH (A) OF SUBDI-
38 VISION ONE OF THIS SECTION SHALL BE APPLICABLE TO ALTERATIONS OR
39 IMPROVEMENTS GRANTED BENEFITS PURSUANT TO THIS SUBDIVISION BUT NONE OF
40 THE LIMITATIONS OF PARAGRAPHS (B) AND (C) OF SUBDIVISION ELEVEN OF THIS
41 SECTION SHALL BE APPLICABLE.

42 (F) THIS SUBDIVISION SHALL BE APPLICABLE ONLY TO ALTERATIONS OR
43 IMPROVEMENTS COMPLETED PRIOR TO DECEMBER THIRTY-FIRST, TWO THOUSAND
44 FIFTEEN.

45 S 2. This act shall take effect immediately.