

5208

2011-2012 Regular Sessions

I N S E N A T E

May 3, 2011

Introduced by Sen. NOZZOLIO -- read twice and ordered printed, and when printed to be committed to the Committee on Housing, Construction and Community Development

AN ACT to amend the real property tax law, in relation to a partial tax exemption for new residential construction or renovation of vacant residential structures in cities with a certain population

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

1 Section 1. The real property tax law is amended by adding a new
2 section 421-ff to read as follows:
3 S 421-FF. EXEMPTION OF CAPITAL IMPROVEMENTS TO RESIDENTIAL BUILDINGS
4 IN CITIES WITH A POPULATION BETWEEN TWENTY-EIGHT THOUSAND FIVE HUNDRED
5 AND TWENTY-NINE THOUSAND. 1. RESIDENTIAL BUILDINGS WHICH HAVE BEEN NEWLY
6 CONSTRUCTED OR RENOVATED VACANT STRUCTURES SUBSEQUENT TO THE EFFECTIVE
7 DATE OF A LOCAL LAW OR RESOLUTION PURSUANT TO THIS SECTION SHALL BE
8 EXEMPT FROM TAXATION AND SPECIAL AD VALOREM LEVIES TO THE EXTENT
9 PROVIDED HEREINAFTER IN CITIES WITH A POPULATION BETWEEN TWENTY-EIGHT
10 THOUSAND FIVE HUNDRED AND TWENTY-NINE THOUSAND. FOR PURPOSES OF THIS
11 SECTION, "CONSTRUCTION" OR "RENOVATION" SHALL NOT INCLUDE ORDINARY MAIN-
12 TENANCE AND REPAIRS. AFTER A PUBLIC HEARING, THE GOVERNING BOARD OF A
13 CITY WITH SUCH A POPULATION MAY ADOPT A RESOLUTION TO GRANT THE
14 EXEMPTION AUTHORIZED PURSUANT TO THIS SECTION. A COPY OF SUCH LOCAL LAW
15 OR RESOLUTION SHALL BE FILED WITH THE COMMISSIONER AND THE ASSESSOR OF
16 SUCH CITY WHO PREPARES THE ASSESSMENT ROLL ON WHICH THE TAXES OF SUCH
17 CITY ARE LEVIED.
18 2. SUCH BUILDINGS SHALL BE EXEMPT FOR A PERIOD OF TWO YEARS TO THE
19 EXTENT OF ONE HUNDRED PER CENTUM OF THE INCREASE IN ASSESSED VALUE THEREOF
20 ATTRIBUTABLE TO SUCH CONSTRUCTION OR RENOVATION AND FOR AN ADDITIONAL
21 PERIOD OF FOUR YEARS SUBJECT TO THE FOLLOWING:
22 (A) THE EXTENT OF SUCH EXEMPTION SHALL BE DECREASED BY TWENTY PER
23 CENTUM OF THE "EXEMPTION BASE" EACH YEAR DURING SUCH ADDITIONAL

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

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1 FOUR-YEAR PERIOD, SUCH THAT DURING YEAR THREE THERE SHALL BE AN
2 EXEMPTION OF EIGHTY PER CENTUM OF THE INCREASE IN ASSESSED VALUE THEREOF
3 ATTRIBUTABLE, DURING YEAR FOUR THERE SHALL BE AN EXEMPTION OF SIXTY PER
4 CENTUM OF THE INCREASE IN ASSESSED VALUE THEREOF ATTRIBUTABLE, IN YEAR
5 FIVE THERE SHALL BE AN EXEMPTION OF FORTY PER CENTUM OF THE INCREASE IN
6 ASSESSED VALUE THEREOF ATTRIBUTABLE AND IN YEAR SIX THERE SHALL BE AN
7 EXEMPTION OF TWENTY PER CENTUM OF THE INCREASE IN ASSESSED VALUE THEREOF
8 ATTRIBUTABLE; AND

9 (B) THE "EXEMPTION BASE" SHALL BE THE INCREASE IN ASSESSED VALUE DUE
10 TO IMPROVEMENTS AS DETERMINED BY THE ASSESSOR IN THE INITIAL YEAR OF
11 SUCH SIX-YEAR PERIOD FOLLOWING THE FILING OF AN ORIGINAL APPLICATION.

12 3. SUCH RESIDENTIAL REAL PROPERTY WHICH IS CERTIFIED UNDER A CERTIF-
13 ICATION STANDARD APPROVED BY THE CITY WHICH IS DETERMINED TO BE EQUIV-
14 ALENT TO THE LEADERSHIP IN ENERGY AND ENVIRONMENTAL DESIGN (LEED)
15 CERTIFICATION FOR THE CATEGORIES OF CERTIFIED/SILVER, GOLD OR PLATINUM
16 AS MEETING GREEN BUILDING STANDARDS SHALL BE EXEMPT FOR THE FOLLOWING
17 PERCENTAGES, PROVIDED THAT A COPY OF THE CERTIFICATION FOR A QUALIFIED
18 CATEGORY IS FILLED WITH THE ASSESSOR OF SUCH CITY AND THE ASSESSOR
19 APPROVES THE APPLICATION FOR THE APPLICABLE CATEGORY AS MEETING THE
20 REQUIREMENTS OF THIS SECTION AND THE LOCAL LAW OF SUCH CITY:

21 (A) CERTIFIED/SILVER CERTIFICATION STANDARD. SUCH BUILDINGS SHALL BE
22 EXEMPT FOR A PERIOD OF THREE YEARS TO THE EXTENT OF ONE HUNDRED PER
23 CENTUM OF THE INCREASE IN ASSESSED VALUE THEREOF ATTRIBUTABLE TO SUCH
24 CONSTRUCTION OR RENOVATION AND FOR AN ADDITIONAL PERIOD OF FOUR YEARS.
25 THE EXTENT OF SUCH EXEMPTION SHALL BE DECREASED BY TWENTY PER CENTUM OF
26 THE "EXEMPTION BASE" EACH YEAR DURING SUCH ADDITIONAL FOUR-YEAR PERIOD
27 SUCH THAT DURING YEAR FOUR THERE SHALL BE AN EXEMPTION OF EIGHTY PER
28 CENTUM OF THE INCREASE IN ASSESSED VALUE THEREOF ATTRIBUTABLE, DURING
29 YEAR FIVE THERE SHALL BE AN EXEMPTION OF SIXTY PER CENTUM OF THE
30 INCREASE IN ASSESSED VALUE THEREOF ATTRIBUTABLE, IN YEAR SIX THERE SHALL
31 BE AN EXEMPTION OF FORTY PER CENTUM OF THE INCREASE IN ASSESSED VALUE
32 THEREOF ATTRIBUTABLE AND IN YEAR SEVEN THERE SHALL BE AN EXEMPTION OF
33 TWENTY PER CENTUM OF THE INCREASE IN ASSESSED VALUE THEREOF ATTRIBUT-
34 ABLE. THE "EXEMPTION BASE" SHALL BE THE INCREASE IN ASSESSED VALUE DUE
35 TO IMPROVEMENTS AS DETERMINED BY THE ASSESSOR IN THE INITIAL YEAR OF
36 SUCH SEVEN-YEAR PERIOD FOLLOWING THE FILING OF AN ORIGINAL APPLICATION;

37 (B) GOLD STANDARD. SUCH BUILDINGS SHALL BE EXEMPT FOR A PERIOD OF FOUR
38 YEARS TO THE EXTENT OF ONE HUNDRED PER CENTUM OF THE INCREASE IN
39 ASSESSED VALUE THEREOF ATTRIBUTABLE TO SUCH CONSTRUCTION OR RENOVATION
40 AND FOR AN ADDITIONAL PERIOD OF FOUR YEARS. THE EXTENT OF SUCH EXEMPTION
41 SHALL BE DECREASED BY TWENTY PER CENTUM OF THE "EXEMPTION BASE" EACH
42 YEAR DURING SUCH ADDITIONAL FOUR-YEAR PERIOD SUCH THAT DURING YEAR FIVE
43 THERE SHALL BE AN EXEMPTION OF EIGHTY PER CENTUM OF THE INCREASE IN
44 ASSESSED VALUE THEREOF ATTRIBUTABLE, DURING YEAR SIX THERE SHALL BE AN
45 EXEMPTION OF SIXTY PER CENTUM OF THE INCREASE IN ASSESSED VALUE THEREOF
46 ATTRIBUTABLE, IN YEAR SEVEN THERE SHALL BE AN EXEMPTION OF FORTY PER
47 CENTUM OF THE INCREASE IN ASSESSED VALUE THEREOF ATTRIBUTABLE AND IN
48 YEAR EIGHT THERE SHALL BE AN EXEMPTION OF TWENTY PER CENTUM OF THE
49 INCREASE IN ASSESSED VALUE THEREOF ATTRIBUTABLE. THE "EXEMPTION BASE"
50 SHALL BE THE INCREASE IN ASSESSED VALUE DUE TO IMPROVEMENTS AS DETER-
51 MINED BY THE ASSESSOR IN THE INITIAL YEAR OF SUCH EIGHT-YEAR PERIOD
52 FOLLOWING THE FILING OF AN ORIGINAL APPLICATION; OR

53 (C) PLATINUM STANDARD. SUCH BUILDINGS SHALL BE EXEMPT FOR A PERIOD OF
54 SIX YEARS TO THE EXTENT OF ONE HUNDRED PER CENTUM OF THE INCREASE IN
55 ASSESSED VALUE THEREOF ATTRIBUTABLE TO SUCH CONSTRUCTION OR RENOVATION
56 AND FOR AN ADDITIONAL PERIOD OF FOUR YEARS. THE EXTENT OF SUCH EXEMPTION

1 SHALL BE DECREASED BY TWENTY PER CENTUM OF THE "EXEMPTION BASE" EACH
2 YEAR DURING SUCH ADDITIONAL FOUR-YEAR PERIOD SUCH THAT DURING YEAR SEVEN
3 THERE SHALL BE AN EXEMPTION OF EIGHTY PER CENTUM OF THE INCREASE IN
4 ASSESSED VALUE THEREOF ATTRIBUTABLE, DURING YEAR EIGHT THERE SHALL BE AN
5 EXEMPTION OF SIXTY PER CENTUM OF THE INCREASE IN ASSESSED VALUE THEREOF
6 ATTRIBUTABLE, IN YEAR NINE THERE SHALL BE AN EXEMPTION OF FORTY PER
7 CENTUM OF THE INCREASE IN ASSESSED VALUE THEREOF ATTRIBUTABLE AND IN
8 YEAR TEN THERE SHALL BE AN EXEMPTION OF TWENTY PER CENTUM OF THE
9 INCREASE IN ASSESSED VALUE THEREOF ATTRIBUTABLE. THE "EXEMPTION BASE"
10 SHALL BE THE INCREASE IN ASSESSED VALUE DUE TO IMPROVEMENTS AS DETER-
11 MINED BY THE ASSESSOR IN THE INITIAL YEAR OF SUCH TEN-YEAR PERIOD
12 FOLLOWING THE FILING OF AN ORIGINAL APPLICATION.

13 4. EXEMPTIONS GRANTED PURSUANT TO THIS SECTION SHALL APPLY TO REAL
14 PROPERTY TAXES IMPOSED FOR CITY PURPOSES.

15 5. NO SUCH EXEMPTION SHALL BE GRANTED UNLESS:

16 (A) SUCH CONSTRUCTION OR RENOVATION WAS COMMENCED SUBSEQUENT TO THE
17 EFFECTIVE DATE OF THE LOCAL LAW OR RESOLUTION ADOPTED PURSUANT TO SUBDI-
18 VISION ONE OF THIS SECTION;

19 (B) THE VALUE OF SUCH CONSTRUCTION OR RENOVATION EXCEEDS THE SUM OF
20 THREE THOUSAND DOLLARS; AND

21 (C) SUCH CONSTRUCTION OR RENOVATION IS DOCUMENTED BY A BUILDING
22 PERMIT, IF REQUIRED, FOR THE IMPROVEMENTS OR OTHER APPROPRIATE DOCUMEN-
23 TATION AS REQUIRED BY THE CITY ASSESSOR.

24 6. SUCH EXEMPTION SHALL BE GRANTED ONLY UPON APPLICATION BY THE OWNER
25 OF SUCH BUILDING ON A FORM PRESCRIBED BY THE COMMISSIONER. SUCH APPLICA-
26 TION SHALL BE FILED WITH THE ASSESSOR OF A CITY WITH A POPULATION OF NOT
27 LESS THAN TWENTY-EIGHT THOUSAND FIVE HUNDRED AND NOT MORE THAN
28 TWENTY-NINE THOUSAND ON OR BEFORE THE APPROPRIATE TAXABLE STATUS DATE OF
29 SUCH CITY AND WITHIN ONE YEAR AFTER THE DATE OF COMPLETION OF SUCH
30 CONSTRUCTION OR RENOVATION.

31 7. IF SATISFIED THAT THE APPLICANT IS ENTITLED TO AN EXEMPTION PURSU-
32 ANT TO THIS SECTION, THE CITY ASSESSOR SHALL APPROVE THE APPLICATION AND
33 SUCH BUILDING SHALL THEREAFTER BE EXEMPT FROM TAXATION AND SPECIAL AD
34 VALOREM LEVIES BY THE CITY AS PROVIDED IN THIS SECTION COMMENCING WITH
35 THE ASSESSMENT ROLL PREPARED ON THE BASIS OF THE TAXABLE STATUS DATE
36 REFERRED TO IN SUBDIVISION SIX OF THIS SECTION. THE ASSESSOR SHALL ENTER
37 THE ASSESSED VALUE OF ANY EXEMPTION GRANTED PURSUANT TO THIS SECTION ON
38 THE ASSESSMENT ROLL FOR THE TAXABLE PROPERTY, WITH THE AMOUNT OF THE
39 EXEMPTION SHOWN IN A SEPARATE COLUMN. IN ANY CASE WHERE THERE IS AN
40 ADDITIONAL PARTIAL EXEMPTION BASED ON A CERTIFICATION OF
41 CERTIFIED/SILVER, GOLD OR PLATINUM LEED STANDARDS IN ACCORDANCE WITH
42 APPLICABLE CERTIFICATION STANDARDS APPROVED BY THE CITY, A COPY OF SUCH
43 CERTIFICATION SHALL BE FILED IN THE SUBJECT REAL PROPERTY FILE.

44 8. IN THE EVENT THAT REAL PROPERTY GRANTED AN EXEMPTION PURSUANT TO
45 THIS SECTION CEASES TO BE USED PRIMARILY FOR ELIGIBLE PURPOSES, THE
46 EXEMPTION GRANTED PURSUANT TO THIS SECTION SHALL CEASE.

47 S 2. This act shall take effect immediately.