

S. 1462

A. 1415

2011-2012 Regular Sessions

S E N A T E - A S S E M B L Y

January 7, 2011

IN SENATE -- Introduced by Sen. LAVALLE -- read twice and ordered printed, and when printed to be committed to the Committee on Local Government

IN ASSEMBLY -- Introduced by M. of A. THIELE -- read once and referred to the Committee on Real Property Taxation

AN ACT to amend the real property tax law, in relation to authorizing a municipal corporation to provide a real property tax exemption for improvements to real property meeting LEED certification standards for green buildings

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 470 to read as follows:
3 S 470. EXEMPTION FOR IMPROVEMENTS TO REAL PROPERTY MEETING LEED
4 CERTIFICATION STANDARDS FOR GREEN BUILDINGS. 1. CONSTRUCTION OF IMPROVE-
5 MENTS TO REAL PROPERTY INITIATED ON OR AFTER THE FIRST DAY OF JANUARY,
6 TWO THOUSAND TWELVE MEETING LEED CERTIFICATION STANDARDS FOR GREEN
7 BUILDINGS AS PROVIDED IN THIS SECTION, SHALL BE EXEMPT FROM TAXATION BY
8 ANY MUNICIPAL CORPORATION IN WHICH LOCATED TO THE EXTENT PROVIDED IN
9 THIS SECTION, PROVIDED THE GOVERNING BOARD OF SUCH MUNICIPALITY, AFTER
10 PUBLIC HEARING, ADOPTS A LOCAL LAW, ORDINANCE OR RESOLUTION PROVIDING
11 THEREFOR.
12 2. SUCH REAL PROPERTY OR PORTION THEREOF WHICH IS CERTIFIED UNDER A
13 CERTIFICATION STANDARD APPROVED BY THE MUNICIPAL CORPORATION WHICH IS
14 DETERMINED TO BE EQUIVALENT TO THE LEED CERTIFICATION FOR THE CATEGORIES
15 OF CERTIFIED, SILVER, GOLD OR PLATINUM AS MEETING GREEN BUILDING STAND-
16 ARDS SHALL BE EXEMPT AS PROVIDED BELOW FOR THE RESPECTIVE PERCENTAGES
17 PROVIDED THAT A COPY OF THE CERTIFICATION FOR A QUALIFIED CATEGORY IS
18 FILED WITH THE ASSESSOR OF THE MUNICIPAL CORPORATION AND THE ASSESSOR
19 APPROVES THE APPLICATION FOR THE APPLICABLE CATEGORY AS MEETING THE

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

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1 REQUIREMENTS OF THIS SECTION AND THE MUNICIPAL CORPORATION'S LOCAL LAW,
2 ORDINANCE OR RESOLUTION.

3 LEED EXEMPTION

4 YEAR	CERTIFIED/SILVER	GOLD	PLATINUM
5 1	100%	100%	100%
6 2	100%	100%	100%
7 3	100%	100%	100%
8 4	80%	100%	100%
9 5	60%	80%	100%
10 6	40%	60%	100%
11 7	20%	40%	80%
12 8	0%	20%	60%
13 9	0%	0%	40%
14 10	0%	0%	20%

15 3. NO SUCH EXEMPTION SHALL BE GRANTED UNLESS: (A) SUCH CONSTRUCTION OF
16 IMPROVEMENTS WAS COMMENCED ON OR AFTER THE FIRST DAY OF JANUARY, TWO
17 THOUSAND TWELVE OR SUCH LATER DATE AS MAY BE SPECIFIED BY LOCAL LAW; (B)
18 THE VALUE OF SUCH CONSTRUCTION EXCEEDS THE SUM OF TEN THOUSAND DOLLARS;
19 AND (C) SUCH CONSTRUCTION IS DOCUMENTED BY A BUILDING PERMIT, IF
20 REQUIRED, FOR THE IMPROVEMENTS, OR OTHER APPROPRIATE DOCUMENTATION AS
21 REQUIRED BY THE ASSESSOR. FOR PURPOSES OF THIS SECTION THE TERM
22 "CONSTRUCTION OF IMPROVEMENTS" SHALL NOT INCLUDE ORDINARY MAINTENANCE
23 AND REPAIRS.

24 4. IF THE ASSESSOR IS SATISFIED THAT THE APPLICANT IS ENTITLED TO AN
25 EXEMPTION PURSUANT TO THIS SECTION, HE OR SHE SHALL APPROVE THE APPLICA-
26 TION AND SUCH REAL PROPERTY SHALL THEREAFTER BE EXEMPT FROM TAXATION BY
27 THE MUNICIPAL CORPORATION AS PROVIDED IN THIS SECTION COMMENCING WITH
28 THE ASSESSMENT ROLL PREPARED AFTER THE TAXABLE STATUS DATE. THE ASSESSED
29 VALUE OF ANY EXEMPTION GRANTED PURSUANT TO THIS SECTION SHALL BE ENTERED
30 BY THE ASSESSOR ON THE ASSESSMENT ROLL WITH THE TAXABLE PROPERTY, WITH
31 THE AMOUNT OF THE EXEMPTION SHOWN IN A SEPARATE COLUMN.

32 S 2. This act shall take effect immediately.