

5208--A

Cal. No. 44

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 -- recommitted to the Committee on Housing, Construction and Community Development in accordance with Senate Rule 6, sec. 8 -- reported favorably from said committee, ordered to first and second report, ordered to a third reading, amended and ordered reprinted, retaining its place in the order of third reading

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-SEVEN THOUSAND FIVE HUNDRED
5 AND TWENTY-EIGHT THOUSAND. 1. RESIDENTIAL BUILDINGS WHICH HAVE BEEN
6 NEWLY CONSTRUCTED OR RENOVATED VACANT STRUCTURES SUBSEQUENT TO THE
7 EFFECTIVE DATE OF A LOCAL LAW OR RESOLUTION PURSUANT TO THIS SECTION
8 SHALL BE EXEMPT FROM TAXATION AND SPECIAL AD VALOREM LEVIES TO THE
9 EXTENT PROVIDED HEREINAFTER IN CITIES WITH A POPULATION BETWEEN TWENTY-
10 SEVEN THOUSAND FIVE HUNDRED AND TWENTY-EIGHT THOUSAND. FOR PURPOSES OF
11 THIS SECTION, "CONSTRUCTION" OR "RENOVATION" SHALL NOT INCLUDE ORDINARY
12 MAINTENANCE AND REPAIRS. AFTER A PUBLIC HEARING, THE GOVERNING BOARD OF
13 A 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 THER-

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

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1 EOF ATTRIBUTABLE TO SUCH CONSTRUCTION OR RENOVATION AND FOR AN ADDI-
2 TIONAL PERIOD OF FOUR YEARS SUBJECT TO THE FOLLOWING:

3 (A) THE EXTENT OF SUCH EXEMPTION SHALL BE DECREASED BY TWENTY PER
4 CENTUM OF THE "EXEMPTION BASE" EACH YEAR DURING SUCH ADDITIONAL
5 FOUR-YEAR PERIOD, SUCH THAT DURING YEAR THREE THERE SHALL BE AN
6 EXEMPTION OF EIGHTY PER CENTUM OF THE INCREASE IN ASSESSED VALUE THEREOF
7 ATTRIBUTABLE, DURING YEAR FOUR THERE SHALL BE AN EXEMPTION OF SIXTY PER
8 CENTUM OF THE INCREASE IN ASSESSED VALUE THEREOF ATTRIBUTABLE, IN YEAR
9 FIVE THERE SHALL BE AN EXEMPTION OF FORTY PER CENTUM OF THE INCREASE IN
10 ASSESSED VALUE THEREOF ATTRIBUTABLE AND IN YEAR SIX THERE SHALL BE AN
11 EXEMPTION OF TWENTY PER CENTUM OF THE INCREASE IN ASSESSED VALUE THEREOF
12 ATTRIBUTABLE; AND

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

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

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

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

(C) PLATINUM STANDARD. SUCH BUILDINGS SHALL BE EXEMPT FOR A PERIOD OF SIX YEARS TO THE EXTENT OF ONE HUNDRED PER CENTUM OF THE INCREASE IN ASSESSED VALUE THEREOF ATTRIBUTABLE TO SUCH CONSTRUCTION OR RENOVATION AND FOR AN ADDITIONAL PERIOD OF FOUR YEARS. THE EXTENT OF SUCH EXEMPTION SHALL BE DECREASED BY TWENTY PER CENTUM OF THE "EXEMPTION BASE" EACH YEAR DURING SUCH ADDITIONAL FOUR-YEAR PERIOD SUCH THAT DURING YEAR SEVEN THERE SHALL BE AN EXEMPTION OF EIGHTY PER CENTUM OF THE INCREASE IN ASSESSED VALUE THEREOF ATTRIBUTABLE, DURING YEAR EIGHT THERE SHALL BE AN EXEMPTION OF SIXTY PER CENTUM OF THE INCREASE IN ASSESSED VALUE THEREOF ATTRIBUTABLE, IN YEAR NINE THERE SHALL BE AN EXEMPTION OF FORTY PER CENTUM OF THE INCREASE IN ASSESSED VALUE THEREOF ATTRIBUTABLE AND IN YEAR TEN THERE SHALL BE AN EXEMPTION OF TWENTY PER CENTUM OF THE INCREASE IN ASSESSED VALUE THEREOF ATTRIBUTABLE. THE "EXEMPTION BASE" SHALL BE THE INCREASE IN ASSESSED VALUE DUE TO IMPROVEMENTS AS DETERMINED BY THE ASSESSOR IN THE INITIAL YEAR OF SUCH TEN-YEAR PERIOD FOLLOWING THE FILING OF AN ORIGINAL APPLICATION.

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

5. NO SUCH EXEMPTION SHALL BE GRANTED UNLESS:

(A) SUCH CONSTRUCTION OR RENOVATION WAS COMMENCED SUBSEQUENT TO THE EFFECTIVE DATE OF THE LOCAL LAW OR RESOLUTION ADOPTED PURSUANT TO SUBDIVISION ONE OF THIS SECTION;

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

(C) SUCH CONSTRUCTION OR RENOVATION IS DOCUMENTED BY A BUILDING PERMIT, IF REQUIRED, FOR THE IMPROVEMENTS OR OTHER APPROPRIATE DOCUMENTATION AS REQUIRED BY THE CITY ASSESSOR.

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

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

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

S 2. This act shall take effect immediately.