

5208--B

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 -- again 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 BASED UPON THE TWO THOUSAND TEN CENSUS. 1.
6 RESIDENTIAL BUILDINGS WHICH HAVE BEEN NEWLY CONSTRUCTED OR RENOVATED
7 VACANT STRUCTURES SUBSEQUENT TO THE EFFECTIVE DATE OF A LOCAL LAW OR
8 RESOLUTION PURSUANT TO THIS SECTION SHALL BE EXEMPT FROM TAXATION AND
9 SPECIAL AD VALOREM LEVIES TO THE EXTENT PROVIDED HEREINAFTER IN CITIES
10 WITH A POPULATION BETWEEN TWENTY-SEVEN THOUSAND FIVE HUNDRED AND TWEN-
11 TY-EIGHT THOUSAND BASED UPON THE TWO THOUSAND TEN CENSUS. FOR PURPOSES
12 OF THIS SECTION, "CONSTRUCTION" OR "RENOVATION" SHALL NOT INCLUDE ORDI-
13 NARY MAINTENANCE AND REPAIRS. AFTER A PUBLIC HEARING, THE GOVERNING
14 BOARD OF A CITY WITH SUCH A POPULATION MAY ADOPT A RESOLUTION TO GRANT
15 THE EXEMPTION AUTHORIZED PURSUANT TO THIS SECTION. A COPY OF SUCH LOCAL
16 LAW OR RESOLUTION SHALL BE FILED WITH THE COMMISSIONER AND THE ASSESSOR

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

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1 OF SUCH CITY WHO PREPARES THE ASSESSMENT ROLL ON WHICH THE TAXES OF SUCH
2 CITY ARE LEVIED.

3 2. SUCH BUILDINGS SHALL BE EXEMPT FOR A PERIOD OF TWO YEARS TO THE
4 EXTENT OF ONE HUNDRED PER CENTUM OF THE INCREASE IN ASSESSED VALUE THERE-
5 EOF ATTRIBUTABLE TO SUCH CONSTRUCTION OR RENOVATION AND FOR AN ADDI-
6 TIONAL PERIOD OF FOUR YEARS SUBJECT TO THE FOLLOWING:

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

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

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

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

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

1 INCREASE IN ASSESSED VALUE THEREOF ATTRIBUTABLE. THE "EXEMPTION BASE"
2 SHALL BE THE INCREASE IN ASSESSED VALUE DUE TO IMPROVEMENTS AS DETER-
3 MINED BY THE ASSESSOR IN THE INITIAL YEAR OF SUCH EIGHT-YEAR PERIOD
4 FOLLOWING THE FILING OF AN ORIGINAL APPLICATION; OR

5 (C) PLATINUM STANDARD. SUCH BUILDINGS SHALL BE EXEMPT FOR A PERIOD OF
6 SIX YEARS TO THE EXTENT OF ONE HUNDRED PER CENTUM OF THE INCREASE IN
7 ASSESSED VALUE THEREOF ATTRIBUTABLE TO SUCH CONSTRUCTION OR RENOVATION
8 AND FOR AN ADDITIONAL PERIOD OF FOUR YEARS. THE EXTENT OF SUCH EXEMPTION
9 SHALL BE DECREASED BY TWENTY PER CENTUM OF THE "EXEMPTION BASE" EACH
10 YEAR DURING SUCH ADDITIONAL FOUR-YEAR PERIOD SUCH THAT DURING YEAR SEVEN
11 THERE SHALL BE AN EXEMPTION OF EIGHTY PER CENTUM OF THE INCREASE IN
12 ASSESSED VALUE THEREOF ATTRIBUTABLE, DURING YEAR EIGHT THERE SHALL BE AN
13 EXEMPTION OF SIXTY PER CENTUM OF THE INCREASE IN ASSESSED VALUE THEREOF
14 ATTRIBUTABLE, IN YEAR NINE THERE SHALL BE AN EXEMPTION OF FORTY PER
15 CENTUM OF THE INCREASE IN ASSESSED VALUE THEREOF ATTRIBUTABLE AND IN
16 YEAR TEN THERE SHALL BE AN EXEMPTION OF TWENTY PER CENTUM OF THE
17 INCREASE IN ASSESSED VALUE THEREOF ATTRIBUTABLE. THE "EXEMPTION BASE"
18 SHALL BE THE INCREASE IN ASSESSED VALUE DUE TO IMPROVEMENTS AS DETER-
19 MINED BY THE ASSESSOR IN THE INITIAL YEAR OF SUCH TEN-YEAR PERIOD
20 FOLLOWING THE FILING OF AN ORIGINAL APPLICATION.

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

23 5. NO SUCH EXEMPTION SHALL BE GRANTED UNLESS:

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

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

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

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

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

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

55 S 2. This act shall take effect immediately.