

4998

2015-2016 Regular Sessions

I N   S E N A T E

April 28, 2015

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Introduced by Sen. GOLDEN -- read twice and ordered printed, and when printed to be committed to the Committee on Cities

AN ACT to amend the real property tax law, in relation to a partial abatement of real property taxes for condominiums and cooperatives in a city having a population of one million or more

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

1     Section 1. Paragraphs (a) and (b) of subdivision 2 of section 467-a of  
2     the real property tax law, as amended by chapter 4 of the laws of 2013,  
3     are amended to read as follows:  
4     (a) In a city having a population of one million or more, dwelling  
5     units owned by unit owners who, as of the applicable taxable status  
6     date, own no more than three dwelling units in any one property held in  
7     the condominium form of ownership, shall be eligible to receive a  
8     partial abatement of real property taxes, as set forth in paragraphs  
9     (c), (d), (d-1), (d-2), (d-3), (d-4), (d-5) and (d-6) of this subdivi-  
10    sion; provided, however, that a property held in the condominium form of  
11    ownership that is receiving complete or partial real property tax  
12    exemption or tax abatement pursuant to any other provision of this chap-  
13    ter or any other state or local law, except as provided in paragraph (f)  
14    of this subdivision, shall not be eligible to receive a partial abate-  
15    ment pursuant to this section; and provided, further, that sponsors  
16    shall not be eligible to receive a partial abatement pursuant to this  
17    section; and provided, further, that in the fiscal year commencing in  
18    calendar years two thousand [twelve, two thousand thirteen, or two thou-  
19    sand fourteen] FIFTEEN, TWO THOUSAND SIXTEEN, TWO THOUSAND SEVENTEEN,  
20    TWO THOUSAND EIGHTEEN OR TWO THOUSAND NINETEEN, no more than a maximum  
21    of three dwelling units owned by any unit owner in a single building,  
22    one of which must be the primary residence of such unit owner, shall be  
23    eligible to receive a partial abatement pursuant to paragraphs (d-1),  
24    (d-2), (d-3) and (d-4) of this section.

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

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1 (b) In a city having a population of one million or more, dwelling  
2 units owned by tenant-stockholders who, as of the applicable taxable  
3 status date, own no more than three dwelling units in any one property  
4 held in the cooperative form of ownership, shall be eligible to receive  
5 a partial abatement of real property taxes, as set forth in paragraphs  
6 (c), (d), (d-1), (d-2), (d-3), (d-4), (d-5) and (d-6) of this subdivi-  
7 sion; provided, however, that a property held in the cooperative form of  
8 ownership that is receiving complete or partial real property tax  
9 exemption or tax abatement pursuant to any other provision of this chap-  
10 ter or any other state or local law, except as provided in paragraph (f)  
11 of this subdivision, shall not be eligible to receive a partial abate-  
12 ment pursuant to this section; and provided, further, that sponsors  
13 shall not be eligible to receive a partial abatement pursuant to this  
14 section; and provided, further, that in the fiscal year commencing in  
15 calendar years two thousand [twelve, two thousand thirteen or two thou-  
16 sand fourteen] FIFTEEN, TWO THOUSAND SIXTEEN, TWO THOUSAND SEVENTEEN,  
17 TWO THOUSAND EIGHTEEN OR TWO THOUSAND NINETEEN, no more than a maximum  
18 of three dwelling units owned by any tenant-stockholder in a single  
19 building, one of which must be the primary residence of such tenant-  
20 stockholder, shall be eligible to receive a partial abatement pursuant  
21 to paragraphs (d-1), (d-2), (d-3) and (d-4) of this section. For  
22 purposes of this section, a tenant-stockholder of a cooperative apart-  
23 ment corporation shall be deemed to own the dwelling unit which is  
24 represented by his or her shares of stock in such corporation. Any  
25 abatement so granted shall be credited by the appropriate taxing author-  
26 ity against the tax due on the property as a whole. The reduction in  
27 real property taxes received thereby shall be credited by the cooper-  
28 ative apartment corporation against the amount of such taxes attribut-  
29 able to eligible dwelling units at the time of receipt.

30 S. 2. Paragraphs (d-1), (d-2), (d-3), (d-4), (d-5) and (d-6) of subdi-  
31 vision 2 of section 467-a of the real property tax law, as added by  
32 chapter 4 of the laws of 2013, are amended to read as follows:

33 (d-1) In the fiscal years commencing in calendar year two thousand  
34 [twelve, two thousand thirteen and two thousand fourteen] FIFTEEN, TWO  
35 THOUSAND SIXTEEN, TWO THOUSAND SEVENTEEN, TWO THOUSAND EIGHTEEN, AND TWO  
36 THOUSAND NINETEEN, eligible dwelling units in property whose average  
37 unit assessed value is less than or equal to fifty thousand dollars  
38 shall receive a partial abatement of the real property taxes attribut-  
39 able to or due on such dwelling units of twenty-five percent, twenty-six  
40 and one-half percent and twenty-eight and one-tenth percent respective-  
41 ly.

42 (d-2) In the fiscal years commencing in calendar year two thousand  
43 [twelve, two thousand thirteen and two thousand fourteen] FIFTEEN, TWO  
44 THOUSAND SIXTEEN, TWO THOUSAND SEVENTEEN, TWO THOUSAND EIGHTEEN, AND TWO  
45 THOUSAND NINETEEN, eligible dwelling units in property whose average  
46 unit assessed value is more than fifty thousand dollars, but less than  
47 or equal to fifty-five thousand dollars, shall receive a partial abate-  
48 ment of the real property taxes attributable to or due on such dwelling  
49 units of twenty-two and one-half percent, twenty-three and eight-tenths  
50 percent and twenty-five and two-tenths percent respectively.

51 (d-3) In the fiscal years commencing in calendar year two thousand  
52 [twelve, two thousand thirteen and two thousand fourteen] FIFTEEN, TWO  
53 THOUSAND SIXTEEN, TWO THOUSAND SEVENTEEN, TWO THOUSAND EIGHTEEN, AND TWO  
54 THOUSAND NINETEEN, eligible dwelling units in property whose average  
55 unit assessed value is more than fifty-five thousand dollars, but less  
56 than or equal to sixty thousand dollars, shall receive a partial abate-

ment of the real property taxes attributable to or due on such dwelling units of twenty percent, twenty-one and two-tenths percent, and twenty-two and five-tenths percent respectively.

(d-4) In the fiscal years commencing in calendar year two thousand [twelve, two thousand thirteen and two thousand fourteen] FIFTEEN, TWO THOUSAND SIXTEEN, TWO THOUSAND SEVENTEEN, TWO THOUSAND EIGHTEEN, AND TWO THOUSAND NINETEEN, eligible dwelling units in property whose average unit assessed value is more than sixty thousand dollars shall receive a partial abatement of the real property taxes attributable to or due on such dwelling units of seventeen and one-half percent.

(d-5) In the fiscal years commencing in calendar year two thousand [twelve and two thousand thirteen] FIFTEEN, TWO THOUSAND SIXTEEN, TWO THOUSAND SEVENTEEN, TWO THOUSAND EIGHTEEN, AND TWO THOUSAND NINETEEN, dwelling units that received an abatement pursuant to this section in the fiscal year commencing in calendar year two thousand eleven, and that are not eligible to receive benefits under paragraph (d-1), (d-2), (d-3), or (d-4) of this subdivision and that are located in a property that has an average unit assessed value that is less than or equal to fifteen thousand dollars shall receive a partial abatement of the real property taxes attributable to or due on such dwelling units of twelve and one half percent, and six and twenty-five hundredths percent respectively. Provided, however, that no such abatement shall be allowed for any fiscal year commencing in calendar year two thousand [fourteen] TWENTY or later.

(d-6) In the fiscal years commencing in calendar year two thousand [twelve and two thousand thirteen] FIFTEEN, TWO THOUSAND SIXTEEN, TWO THOUSAND SEVENTEEN, TWO THOUSAND EIGHTEEN, AND TWO THOUSAND NINETEEN, dwelling units that received an abatement pursuant to this section in the fiscal year commencing in calendar year two thousand eleven, and that are not eligible to receive benefits under paragraph (d-1), (d-2), (d-3), or (d-4) of this subdivision and that are located in a property that has an average unit assessed value that is greater than fifteen thousand dollars shall receive a partial abatement of the real property taxes attributable to or due on such dwelling units of eight and seventy-five hundredths percent, and four and three hundred seventy-five thousandths percent respectively. Provided, however, that no such abatement shall be allowed, for any fiscal year in calendar year two thousand [fourteen] TWENTY or later.

S 3. Subdivision 3-e of section 467-a of the real property tax law, as added by chapter 4 of the laws of 2013, is amended to read as follows:

3-e. (a) An applicant whose property did not receive an abatement pursuant to this section for the fiscal year commencing in calendar year two thousand eleven shall submit an application for an abatement pursuant to this section for the fiscal years commencing in calendar years two thousand [twelve and two thousand thirteen] FIFTEEN, TWO THOUSAND SIXTEEN, TWO THOUSAND SEVENTEEN, TWO THOUSAND EIGHTEEN, AND TWO THOUSAND NINETEEN in accordance with paragraph (e) of this subdivision.

(b) The abatement for the fiscal year commencing in calendar year two thousand [twelve] FIFTEEN of a cooperative apartment corporation that received an abatement pursuant to this section for the fiscal year commencing in calendar year two thousand [eleven] FOURTEEN and that submitted an information return on or before February fifteenth, two thousand [twelve] FIFTEEN, that included an election by the board of directors of such cooperative apartment corporation that such information return be deemed an application for an abatement pursuant to this

1 section for such fiscal year, shall be based on the information  
2 contained in such information return.

3 (c) The abatement for the fiscal year commencing in calendar year two  
4 thousand twelve of a cooperative apartment corporation that received an  
5 abatement pursuant to this section for the fiscal year commencing in  
6 calendar year two thousand [eleven] FOURTEEN and that submitted an  
7 information return on or before February fifteenth, two thousand  
8 [twelve] FIFTEEN, that did not include an election by the board of  
9 directors of such cooperative apartment corporation that such informa-  
10 tion return be deemed an application for an abatement pursuant to this  
11 section for such fiscal year, shall be based on the information  
12 contained in the application submitted in two thousand [eleven] FOURTEEN  
13 or on the information contained in such information return, or both,  
14 provided that nothing in this paragraph shall authorize or require the  
15 commissioner of finance to grant an abatement with respect to a property  
16 or a dwelling unit that is not eligible as of the applicable taxable  
17 status date for the fiscal year commencing in calendar year two thousand  
18 [twelve] FIFTEEN.

19 (d) The board of managers of a condominium that received an abatement  
20 pursuant to this section for the fiscal year commencing in calendar year  
21 two thousand [eleven] FOURTEEN shall submit an application for an abate-  
22 ment pursuant to this section for the fiscal year commencing in calendar  
23 year two thousand [twelve] FIFTEEN no later than sixty days following  
24 the effective date of the chapter of the laws of two thousand [thirteen]  
25 FIFTEEN that [added this subdivision] AMENDED THIS PARAGRAPH. If such  
26 board of managers does not submit such application within sixty days  
27 following the effective date of [the] SUCH chapter of the laws of two  
28 thousand [thirteen that added this subdivision] FIFTEEN, then the abate-  
29 ment for the fiscal year commencing in calendar year two thousand  
30 [twelve] FIFTEEN for such condominium shall be based on the information  
31 contained in the application submitted in two thousand [eleven]  
32 FOURTEEN, provided that nothing in this paragraph shall authorize or  
33 require the commissioner of finance to grant an abatement with respect  
34 to a property or a dwelling unit that is not eligible as of the applica-  
35 ble taxable status date for the fiscal year commencing in calendar year  
36 two thousand [twelve] FIFTEEN.

37 (e) Notwithstanding paragraphs (a), (b), (c) and (d) of this subdivi-  
38 sion or any other inconsistent provision of law, the commissioner of  
39 finance may require each applicant for an abatement for the fiscal years  
40 commencing in calendar years two thousand [twelve and two thousand thir-  
41 teen] FIFTEEN, TWO THOUSAND SIXTEEN, TWO THOUSAND SEVENTEEN, TWO THOU-  
42 SAND EIGHTEEN AND TWO THOUSAND NINETEEN to submit an application by a  
43 date and in a form determined by such commissioner and such commissioner  
44 may deny abatements pursuant to this section for failure to submit such  
45 application by such date provided that such date shall be no earlier  
46 than thirty days following the date on which the commissioner releases  
47 the application form.

48 S 4. This act shall take effect immediately.