STATE OF NEW YORK

5715

2021-2022 Regular Sessions

IN SENATE

March 16, 2021

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

AN ACT to amend the real property tax law, in relation to requiring assessors using the comparable sales method for assessments to consider certain comparable properties in formulating the assessment

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. The real property tax law is amended by adding a new section 305-a to read as follows:

§ 305-a. Assessment using the comparable sales, income capitalization or cost method. 1. As used in this section, the following terms shall have the following meanings:

(a) "Mixed-use property" means a property with a building or structure used for both residential and commercial purposes.

(b) "Non-residential property" means a property with a building or structure used for commercial purposes.

2. When determining the value of a mixed-use or non-residential property using the comparable sales, income capitalization or cost method, the following shall be considered when selecting appropriate sales or rentals comparable to the subject property; provided, however, that the following requirements shall apply only to assessing units other than cities having a population of one million or more:

(a) sales or rentals of properties exhibiting similar current use or the use at the time of sale in the same real estate market segment. Comparable properties should include properties located in proximate location to the subject property unless there is an inadequate number of appropriate sales or rentals within the same market segment; and

(b) sales or rentals of properties that are similar in age, condition, current use or the use at the time of sale, type of construction, location, design, physical features and economic characteristics including similarities in occupancy and income generating potential.

§ 2. This act shall take effect immediately and shall apply to assessment rolls prepared on or after January 1, 2022.

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

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