S T A T E O F N E W Y O R K

1995

2009-2010 Regular Sessions

I N A S S E M B L Y

January 14, 2009

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 providing state aid to school districts within local governments which provide community housing opportunities (HOMESTAR)

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 1306-c to read as follows:

S 1306-C. COMMUNITY HOUSING INCENTIVE AID (HOMESTAR). 1. FOR PURPOSES OF THIS SECTION, THE FOLLOWING TERMS SHALL HAVE THE FOLLOWING MEANINGS:

A. "COMMUNITY HOUSING" SHALL MEAN HOUSING UNITS PRODUCED EXCLUSIVELY FOR HOUSEHOLDS WITH INCOMES AT OR BELOW THE MEDIAN HOUSEHOLD INCOME FOR THE COUNTY IN WHICH THEY ARE LOCATED.

B. "LOCAL GOVERNMENT" SHALL MEAN A CITY, TOWN, OR VILLAGE.

C. "DIVISION" SHALL MEAN THE DIVISION OF HOUSING AND COMMUNITY RENEWAL.

D. "INCREMENTAL EDUCATION EXPENSES" SHALL MEAN THE ANNUAL COST OF EDUCATING THE PROJECTED NUMBER OF STUDENTS THAT WILL BE ADDED TO A SCHOOL DISTRICT AS A RESULT OF THE PRODUCTION OF COMMUNITY HOUSING. SUCH EXPENSES SHALL BE CALCULATED AS THE PRODUCT OF THE NUMBER OF COMMUNITY HOUSING UNITS PRODUCED, THE HOUSING COEFFICIENT AS DETERMINED BY THE DIVISION, AND THE AVERAGE ANNUAL EXPENDITURE PER PUPIL IN THE SCHOOL DISTRICT IN WHICH THE COMMUNITY HOUSING IS PRODUCED.

E. "INCREMENTAL EDUCATION REVENUES" SHALL MEAN THE ANNUAL INCREASE IN REVENUE AVAILABLE TO A SCHOOL DISTRICT AS A RESULT OF THE PRODUCTION OF COMMUNITY HOUSING. SUCH REVENUE SHALL BE CALCULATED AS THE SUM OF REAL PROPERTY TAX REVENUE GENERATED BY THE PRODUCTION OF COMMUNITY HOUSING AND THE AMOUNT OF STATE AID FROM ALL SOURCES, EXCLUSIVE OF COMMUNITY HOUSING INCENTIVE AID PURSUANT TO THIS SECTION, ATTRIBUTED TO THE INCREASE IN THE PROJECTED NUMBER OF STUDENTS THAT WILL BE ADDED TO A SCHOOL DISTRICT AS A RESULT OF THE PRODUCTION OF COMMUNITY HOUSING.

F. "HOUSING COEFFICIENT" SHALL MEAN THE NUMBER OF STUDENTS THAT CAN BE PROJECTED TO BE ADDED TO A SCHOOL DISTRICT FOR EACH NEW UNIT OF

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

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COMMUNITY HOUSING. SUCH COEFFICIENT SHALL BE DETERMINED ON THE BASIS OF THE NUMBER OF BEDROOMS IN EACH UNIT, THE HOUSING TYPE, AND LIVABLE FLOOR AREA FOR EACH UNIT. THE DIVISION SHALL DETERMINE SUCH COEFFICIENT, WHICH SHALL BE REVISED ANNUALLY.

G. "HOUSING UNIT" SHALL MEAN A NEWLY CONSTRUCTED OR SUBSTANTIALLY REHABILITATED RESIDENTIAL DWELLING UNIT WHICH IS PRODUCED FOR COMMUNITY HOUSING.

H. "ANNUAL COMMUNITY HOUSING INCENTIVE AID PAYMENT" SHALL MEAN THE ANNUAL PAYMENT MADE TO A SCHOOL DISTRICT FOR THE PRODUCTION OF COMMUNITY HOUSING. SUCH PAYMENT SHALL BE DETERMINED BY SUBTRACTING THE ANNUAL INCREMENTAL EDUCATION REVENUES FROM THE ANNUAL INCREMENTAL EDUCATIONAL EXPENSES.

I. "STATE BOARD" SHALL MEAN THE STATE BOARD OF REAL PROPERTY SERVICES.

2. NOTWITHSTANDING ANY GENERAL OR SPECIAL LAW TO THE CONTRARY, IN ADDITION TO THE STATE AID PROVIDED TO SCHOOL DISTRICTS UNDER THE NEW YORK STATE SCHOOL TAX RELIEF PROGRAM (STAR) PURSUANT TO SECTION THIRTEEN HUNDRED SIX-A OF THIS ARTICLE, SCHOOL DISTRICTS SHALL BE ELIGIBLE FOR ANNUAL COMMUNITY HOUSING INCENTIVE AID PAYMENTS AS PROVIDED IN THIS SECTION.

3. A SCHOOL DISTRICT SHALL BE ELIGIBLE FOR AN ANNUAL COMMUNITY HOUSING INCENTIVE PAYMENT, WHERE A LOCAL GOVERNMENT HAS ISSUED A CERTIFICATE OF OCCUPANCY FOR ONE OR MORE UNITS OF COMMUNITY HOUSING WITHIN THE TERRITORY OF SUCH SCHOOL DISTRICT, AND THE INCREMENTAL EDUCATION EXPENSES ASSOCIATED WITH THE PRODUCTION OF SUCH COMMUNITY HOUSING EXCEED THE INCREMENTAL EDUCATION REVENUES ASSOCIATED WITH THE PRODUCTION OF SUCH COMMUNITY HOUSING. THE DIVISION SHALL CERTIFY THAT EACH UNIT OF COMMUNITY HOUSING PRODUCED BY THE LOCAL GOVERNMENT COMPLIES WITH THE REQUIREMENTS OF THIS SECTION.

4. THE ANNUAL COMMUNITY HOUSING PAYMENT SHALL BE MADE ANNUALLY TO THE SCHOOL DISTRICT FOR A PERIOD OF TEN YEARS FOLLOWING THE DATE OF CERTIFICATION BY THE DIVISION PURSUANT TO SUBDIVISION THREE OF THIS SECTION.

5. A SCHOOL DISTRICT SEEKING STATE AID PURSUANT TO THIS SECTION SHALL SUBMIT AN APPLICATION THEREFOR TO THE STATE BOARD. THE APPLICATION SHALL INCLUDE SUCH INFORMATION AS THE STATE BOARD SHALL REQUIRE.

6. UPON APPROVING AN APPLICATION FOR STATE AID PURSUANT TO THIS SECTION, THE STATE BOARD SHALL COMPUTE AND CERTIFY TO THE COMMISSIONER OF EDUCATION THE AMOUNTS PAYABLE TO THE SCHOOL DISTRICT. SUCH STATE AID SHALL BE PAYABLE UPON AUDIT AND WARRANT OF THE STATE COMPTROLLER FROM VOUCHERS CERTIFIED AND APPROVED BY THE COMMISSIONER OF EDUCATION.

7. THE STATE BOARD MAY AUDIT AN APPLICATION FOR STATE AID PURSUANT TO THIS SECTION WITHIN ONE YEAR AFTER AUTHORIZING PAYMENT THEREON. IF THE STATE BOARD SHOULD DISCOVER THAT A SCHOOL DISTRICT HAS RECEIVED A GREATER OR LESSER AMOUNT OF SUCH AID THAN IT SHOULD HAVE RECEIVED, THE STATE BOARDS SHALL SO NOTIFY THE SCHOOL DISTRICT, AND SHALL CAUSE THE NEXT PAYMENT OF SUCH AID TO THE SCHOOL DISTRICT TO BE ADJUSTED ACCORDINGLY.

8. THE PROVISIONS OF THIS SECTION SHALL APPLY TO ALL SCHOOL DISTRICTS, NOTWITHSTANDING ANY PROVISION OF LAW TO THE CONTRARY.

S 2. If any clause, sentence, paragraph, section or part of this act shall be adjudged by any court of competent jurisdiction to be invalid, such judgement shall not affect, impair or invalidate the remainder thereof, but shall be confined in its operation to the clause, sentence, paragraph, section or part thereof directly involved in the controversy in which such judgement shall have been rendered.

S 3. This act shall take effect immediately.