

8788

2009-2010 Regular Sessions

I N A S S E M B L Y

June 9, 2009

Introduced by M. of A. GOTTFRIED -- read once and referred to the  
Committee on Real Property Taxation

AN ACT to amend the real property tax law, in relation to exemption from  
taxation of alterations and improvements to certain multiple dwellings  
to eliminate fire and health hazards

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

1 Section 1. Section 489 of the real property tax law is amended by  
2 adding a new subdivision 4-d to read as follows:

3 4-D. (A) ANY SUCH LOCAL LAW MAY ALSO PROVIDE THAT A GROUP OF MULTIPLE  
4 DWELLINGS WHICH IS OWNED AND OPERATED BY A MUTUAL REDEVELOPMENT COMPANY  
5 ESTABLISHED PURSUANT TO ARTICLE FIVE OF THE PRIVATE HOUSING FINANCE LAW  
6 WHICH CONTAINS A TOTAL OF TWENTY-EIGHT HUNDRED OR MORE DWELLING UNITS  
7 SHALL BE ELIGIBLE FOR TAX EXEMPTION AND ABATEMENT AS PROVIDED IN THIS  
8 SUBDIVISION.

9 (B) ANY INCREASE IN ASSESSED VALUATION RESULTING FROM ALTERATIONS OR  
10 IMPROVEMENTS TO ONE OR MORE MULTIPLE DWELLINGS WHICH ARE OWNED AND OPER-  
11 ATED BY A MUTUAL REDEVELOPMENT COMPANY AS DESCRIBED IN PARAGRAPH (A) OF  
12 THIS SUBDIVISION SHALL BE EXEMPT FROM TAXATION FOR LOCAL PURPOSES. SUCH  
13 EXEMPTION SHALL BE EQUAL TO THE INCREASE IN THE VALUATION WHICH IS  
14 SUBJECT TO EXEMPTION UNDER THIS PARAGRAPH FOR THIRTY YEARS. AFTER SUCH  
15 PERIOD OF TIME, THE AMOUNT OF SUCH EXEMPTED ASSESSED VALUE SHALL BE  
16 REDUCED BY TWENTY PERCENT IN EACH SUCCEEDING YEAR UNTIL THE ASSESSED  
17 VALUE OF THE ALTERATIONS OR IMPROVEMENTS IS FULLY TAXABLE. SUCH  
18 EXEMPTION MAY COMMENCE AT THE BEGINNING OF ANY TAX QUARTER SUBSEQUENT TO  
19 THE START OF SUCH ALTERATIONS OR IMPROVEMENTS. IN NO EVENT SHALL SUCH  
20 ALTERATIONS OR IMPROVEMENTS DIRECTLY OR INDIRECTLY RESULT IN AN EQUAL-  
21 IZATION INCREASE IN THE ASSESSED VALUATION OF ANY MULTIPLE DWELLING  
22 FORMING PART OF THE MUTUAL REDEVELOPMENT COMPANY WHERE SUCH ALTERATIONS  
23 OR IMPROVEMENTS ARE PERFORMED.

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

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1 (C) THE ABATEMENT OF TAXES IN A MUTUAL REDEVELOPMENT COMPANY DESCRIBED  
2 IN PARAGRAPH (A) OF THIS SUBDIVISION, INCLUDING THE LAND, SHALL NOT  
3 EXCEED THE GREATER OF (I) ONE HUNDRED FIFTY PER CENTUM OF THE CERTIFIED  
4 REASONABLE COST OF THE ALTERATIONS OR IMPROVEMENTS, AS DETERMINED UNDER  
5 THE REGULATIONS OF THE LOCAL HOUSING AGENCY ADMINISTERING THE LOCAL LAW,  
6 AND (II) THIRTY-FIVE PER CENTUM OF THE ACTUAL CONTRACTED CONSTRUCTION  
7 COST OF ALL ALTERATIONS OR IMPROVEMENTS MADE TO AND IN CONJUNCTION WITH  
8 THE REPLACEMENT OF THE EXISTING HEATING, VENTILATION AND AIR COOLING  
9 SYSTEM, WHETHER OR NOT SUCH ITEMS ARE CURRENTLY IDENTIFIED IN THE REGU-  
10 LATIONS OF THE LOCAL HOUSING AGENCY. SUCH ABATEMENT SHALL NOT BE EFFEC-  
11 TIVE FOR MORE THAN TWENTY YEARS AND THE ANNUAL ABATEMENT OF TAXES IN ANY  
12 CONSECUTIVE TWELVE-MONTH PERIOD SHALL NOT BE GREATER THAN EIGHT AND  
13 ONE-THIRD PER CENTUM OF THE TOTAL ABATEMENT GRANTED AND SHALL NOT EXCEED  
14 THE AMOUNT OF TAXES PAYABLE IN SUCH CONSECUTIVE TWELVE-MONTH PERIOD.  
15 SUCH ABATEMENT SHALL BEGIN NO SOONER THAN THE FIRST QUARTERLY TAX BILL  
16 IMMEDIATELY FOLLOWING THE COMPLETION OF SUCH ALTERATIONS OR IMPROVE-  
17 MENTS. THE LIMITATIONS SET FORTH IN SUBDIVISION FOUR OF THIS SECTION FOR  
18 MULTIPLE DWELLINGS, BUILDINGS AND STRUCTURES OWNED AS COOPERATIVES SHALL  
19 BE INAPPLICABLE TO BENEFITS GRANTED PURSUANT TO THIS SUBDIVISION.

20 (D) IN THE EVENT THAT MULTIPLE ALTERATIONS OR IMPROVEMENTS ARE UNDER-  
21 TAKEN IN A MUTUAL REDEVELOPMENT COMPANY DESCRIBED IN PARAGRAPH (A) OF  
22 THIS SUBDIVISION, AND SEPARATE APPLICATIONS FOR BENEFITS THEREFOR ARE  
23 MADE, ALL REQUIREMENTS CONCERNING PHYSICAL CONDITION OF AND COMPLIANCE  
24 WITH LAW BY THE MULTIPLE DWELLINGS IN SUCH REDEVELOPMENT COMPANY SHALL  
25 APPLY ONLY UPON COMPLETION OF ALL SUCH ALTERATIONS OR IMPROVEMENTS,  
26 PROVIDED THAT ALL SUCH ALTERATIONS OR IMPROVEMENTS ARE COMPLETED WITHIN  
27 SIX YEARS.

28 (E) EXCEPT AS PROVIDED IN THIS SUBDIVISION, ALL OF THE REQUIREMENTS  
29 IMPOSED BY THIS SECTION ON PROJECTS DESCRIBED IN PARAGRAPH (A) OF SUBDI-  
30 VISION ONE OF THIS SECTION SHALL BE APPLICABLE TO ALTERATIONS OR  
31 IMPROVEMENTS GRANTED BENEFITS PURSUANT TO THIS SUBDIVISION BUT NONE OF  
32 THE LIMITATIONS OF PARAGRAPHS (B) AND (C) OF SUBDIVISION ELEVEN OF THIS  
33 SECTION SHALL BE APPLICABLE.

34 (F) THIS SUBDIVISION SHALL BE APPLICABLE ONLY TO ALTERATIONS OR  
35 IMPROVEMENTS COMPLETED PRIOR TO DECEMBER THIRTY-FIRST, TWO THOUSAND  
36 FIFTEEN.

37 S 2. This act shall take effect immediately.