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

8788--B

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 -- recommitted to the Committee on Real Property Taxation in accordance with Assembly Rule 3, sec. 2 -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee -- reported and referred to the Committee on Ways and Means -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

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 ASSEMBLY, DO ENACT AS FOLLOWS:

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

4-D. (A) ANY SUCH LOCAL LAW MAY ALSO PROVIDE THAT A GROUP OF MULTIPLE DWELLINGS WHICH IS OWNED AND OPERATED BY A MUTUAL REDEVELOPMENT COMPANY ESTABLISHED PURSUANT TO ARTICLE FIVE OF THE PRIVATE HOUSING FINANCE LAW WHICH CONTAINS A TOTAL OF TWENTY-EIGHT HUNDRED OR MORE DWELLING UNITS SHALL BE ELIGIBLE FOR TAX EXEMPTION AND ABATEMENT FOR THE REPLACEMENT AND IMPROVEMENT OF THE EXISTING HEATING, VENTILATION AND AIR COOLING SYSTEM AND ASSOCIATED ASBESTOS ABATEMENT OR REMOVAL AS PROVIDED IN THIS SUBDIVISION.

(B) ANY INCREASE IN ASSESSED VALUATION RESULTING FROM THE REPLACEMENT AND IMPROVEMENT OF THE EXISTING HEATING, VENTILATION AND AIR COOLING SYSTEM AND ASSOCIATED ASBESTOS ABATEMENT OR REMOVAL TO ONE OR MORE MULTIPLE DWELLINGS WHICH ARE OWNED AND OPERATED BY A MUTUAL REDEVELOPMENT COMPANY AS DESCRIBED IN PARAGRAPH (A) OF THIS SUBDIVISION SHALL BE EXEMPT FROM TAXATION FOR LOCAL PURPOSES. SUCH EXEMPTION SHALL BE EQUAL TO THE INCREASE IN THE VALUATION WHICH IS SUBJECT TO EXEMPTION UNDER THIS PARAGRAPH FOR THIRTY YEARS. AFTER SUCH PERIOD OF TIME, THE AMOUNT OF SUCH EXEMPTED ASSESSED VALUE SHALL BE REDUCED BY TWENTY PERCENT IN

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

LBD14258-04-0

EACH SUCCEEDING YEAR UNTIL THE ASSESSED VALUE OF THE ALTERATIONS OR IMPROVEMENTS IS FULLY TAXABLE. SUCH EXEMPTION MAY COMMENCE AT THE BEGINNING OF ANY TAX QUARTER SUBSEQUENT TO THE START OF SUCH ALTERATIONS OR IMPROVEMENTS. IN NO EVENT SHALL SUCH ALTERATIONS OR IMPROVEMENTS DIRECTLY OR INDIRECTLY RESULT IN AN EQUALIZATION INCREASE IN THE ASSESSED VALUATION OF ANY MULTIPLE DWELLING FORMING PART OF THE MUTUAL REDEVELOPMENT COMPANY WHERE SUCH ALTERATIONS OR IMPROVEMENTS ARE PERFORMED.

(C) THE ABATEMENT OF TAXES IN A MUTUAL REDEVELOPMENT COMPANY DESCRIBED IN PARAGRAPH (A) OF THIS SUBDIVISION, INCLUDING THE LAND, SHALL NOT EXCEED THE GREATER OF (I) ONE HUNDRED FIFTY PER CENTUM OF THE CERTIFIED REASONABLE COST OF THE REPLACEMENT AND IMPROVEMENT OF THE EXISTING HEATING, VENTILATION AND AIR COOLING SYSTEM AND ASSOCIATED ASBESTOS ABATEMENT OR REMOVAL, AS DETERMINED UNDER THE REGULATIONS OF THE LOCAL HOUSING AGENCY ADMINISTERING THE LOCAL LAW, OR (II) THIRTY-FIVE PER CENTUM OF THE ACTUAL CONTRACTED CONSTRUCTION COST OF ALL ALTERATIONS OR IMPROVEMENTS MADE TO AND IN CONJUNCTION WITH THE REPLACEMENT OF THE EXISTING HEATING, VENTILATION AND AIR COOLING SYSTEM AND ASBESTOS ABATEMENT OR REMOVAL, WHETHER OR NOT SUCH ITEMS ARE CURRENTLY IDENTIFIED IN THE REGULATIONS OF THE LOCAL HOUSING AGENCY. SUCH ABATEMENT SHALL NOT BE EFFECTIVE FOR MORE THAN TWENTY YEARS AND THE ANNUAL ABATEMENT OF TAXES IN ANY CONSECUTIVE TWELVE-MONTH PERIOD SHALL NOT BE GREATER THAN EIGHT AND ONE-THIRD PER CENTUM OF THE TOTAL ABATEMENT GRANTED AND SHALL NOT EXCEED THE AMOUNT OF TAXES PAYABLE IN SUCH CONSECUTIVE TWELVE-MONTH PERIOD. THE TOTAL ABATEMENT FOR THE PROJECT SHALL NOT EXCEED TWENTY-EIGHT MILLION DOLLARS. SUCH ABATEMENT SHALL BEGIN NO SOONER THAN THE FIRST QUARTERLY TAX BILL IMMEDIATELY FOLLOWING THE COMPLETION OF SUCH ALTERATIONS OR IMPROVEMENTS. THE LIMITATIONS SET FORTH IN SUBDIVISION FOUR OF THIS SECTION FOR MULTIPLE DWELLINGS, BUILDINGS AND STRUCTURES OWNED AS COOPERATIVES SHALL BE INAPPLICABLE TO BENEFITS GRANTED PURSUANT TO THIS SUBDIVISION.

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

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

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

S 2. This act shall take effect immediately.