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

1236

2009-2010 Regular Sessions

I N S E N A T E

January 28, 2009

Introduced by Sen. THOMPSON -- 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 creating the central Buffalo housing district and allowing certain tax exemptions and abatements within such district

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 421-l to read as follows:

S 421-L. ASSESSMENT EXEMPTION FOR CERTAIN RESIDENTIAL PROPERTIES WITHIN THE CENTRAL BUFFALO HOUSING DISTRICT. 1. THERE IS HEREBY CREATED THE CENTRAL BUFFALO HOUSING DISTRICT. SUCH DISTRICT SHALL CONSIST OF THE GEOGRAPHICAL AREA DESCRIBED IN SUBDIVISION SEVEN OF THIS SECTION.

2. NOTWITHSTANDING ANY OTHER PROVISION OF THE REAL PROPERTY LAW TO THE CONTRARY, REAL PROPERTY WHICH QUALIFIES FOR AN ASSESSMENT EXEMPTION PURSUANT TO THIS SECTION AND IS LOCATED WITHIN THE CENTRAL BUFFALO HOUSING DISTRICT, AS DESCRIBED IN SUBDIVISION EIGHT OF THIS SECTION, SHALL BE EXEMPT FROM TAXATION TO THE EXTENT OF ANY INCREASE IN ASSESSED VALUE OF RESIDENTIAL PROPERTY RESULTING FROM THE CONSTRUCTION OR RECONSTRUCTION OF SUCH PROPERTY FOR THE PURPOSE OF IMPROVING SUCH PROPERTY.

3.(A) SUCH QUALIFIED REAL PROPERTY SHALL BE SUBJECT TO REAL PROPERTY TAXATION ON THE LESSER OF (L) THE ASSESSED VALUE OF THE PROPERTY OR (2) THE ASSESSED VALUE OF THE PROPERTY IN THE YEAR TWO THOUSAND TWO MULTIPLIED BY THE MEDIAN COUNTY PROPERTY VALUE FOR SINGLE-FAMILY HOUSES IN THE COUNTY OF ERIE IN THE MOST RECENT YEAR AND DIVIDED BY THE MEDIAN PROPERTY VALUE FOR SINGLE-FAMILY HOUSES IN THE COUNTY OF ERIE IN THE YEAR TWO THOUSAND TWO. (B) SUCH EXEMPTION SHALL NOT EXCEED (1) THE INCREASE IN ASSESSED VALUE RESULTING FROM CONSTRUCTION OR RECONSTRUCTION OF SUCH PROPERTY, OR (2) TWENTY PERCENT OF THE TOTAL ASSESSED VALUE OF SUCH PROPERTY AS IMPROVED, OR (3) TWENTY PERCENT OF THE MEDIAN SALE PRICE OF RESIDENTIAL PROPERTY AS REPORTED IN THE MOST RECENT SALES

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

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STATISTICAL SUMMARY PUBLISHED BY THE STATE BOARD FOR THE COUNTY OF ERIE, WHICHEVER IS LESS.

4. NO SUCH EXEMPTION SHALL BE GRANTED UNLESS:

(A) THE PROPERTY IS WITHIN THE GEOGRAPHICAL AREA THAT COMPRISES THE CENTRAL BUFFALO HOUSING DISTRICT, AS DESCRIBED IN THIS SECTION, IN WHICH SUCH CONSTRUCTION OR RECONSTRUCTION IS PERMITTED; AND

(B) THE RESIDENTIAL PROPERTY SO CONSTRUCTED OR RECONSTRUCTED IS THE PRINCIPAL PLACE OF RESIDENCE OF THE OWNER.

5. SUCH EXEMPTION SHALL BE APPLICABLE ONLY TO CONSTRUCTION OR RECONSTRUCTION WHICH OCCURRED SUBSEQUENT TO THE EFFECTIVE DATE OF THIS SECTION AND SHALL ONLY APPLY DURING TAXABLE YEARS DURING WHICH SUCH IMPROVEMENT REMAINS.

6. SUCH EXEMPTION FROM TAXATION SHALL BE GRANTED UPON AN APPLICATION MADE ANNUALLY, UPON A FORM TO BE PROMULGATED BY THE STATE BOARD, BY THE OWNER OF SUCH PROPERTY TO THE APPROPRIATE ASSESSOR IN THE COUNTY OF ERIE HAVING THE POWER TO ASSESS PROPERTY FOR TAXATION ON OR BEFORE THE APPROPRIATE TAXABLE STATUS DATE OF SUCH COUNTY OR CITY WITHIN SUCH COUNTY. IF THE ASSESSOR IS SATISFIED THAT THE PROPERTY IS ENTITLED TO AN EXEMPTION PURSUANT TO THIS SECTION, HE OR SHE SHALL APPROVE THE APPLICATION AND SUCH RESIDENTIAL IMPROVEMENTS SHALL BE EXEMPT FROM TAXATION AND SPECIAL AD VALOREM LEVIES, AS PROVIDED IN THIS SECTION.

7. ANY CONVICTION OF HAVING MADE ANY WILLFUL FALSE STATEMENT IN THE APPLICATION FOR SUCH EXEMPTION SHALL RESULT IN THE REVOCATION THEREOF, BE PUNISHABLE BY A CIVIL PENALTY OF NOT MORE THAN ONE HUNDRED DOLLARS AND SHALL DISQUALIFY THE APPLICANT OR APPLICANTS FROM FURTHER EXEMPTION FOR A PERIOD OF FIVE YEARS.

8. THE CENTRAL BUFFALO HOUSING DISTRICT, CREATED IN THIS SECTION, AS LOCATED, BOUNDED AND DESCRIBED AS FOLLOWS:

COMMENCING AT THE INTERSECTION OF MAIN STREET AND MANHATTAN AVENUE RUNNING SOUTHERLY ALONG MANHATTAN AVENUE UNTIL ITS INTERSECTION WITH CENTRAL PARK; RUNNING THENCE WESTERLY ALONG CENTRAL PARK TO ITS INTERSECTION WITH HILL STREET; RUNNING THENCE SOUTH ALONG HILL STREET TO ITS INTERSECTION WITH VICTORIA AVENUE; RUNNING THENCE WEST ALONG VICTORIA AVENUE TO ITS INTERSECTION WITH FILLMORE AVENUE; RUNNING THENCE SOUTH ALONG FILLMORE AVENUE TO ITS INTERSECTION WITH DEWEY AVENUE; RUNNING THENCE EAST ALONG DEWEY AVENUE TO ITS INTERSECTION WITH CASTLE PLACE; RUNNING THENCE NORTH ALONG CASTLE PLACE TO ITS INTERSECTION WITH LEROY AVENUE; RUNNING THENCE EAST ALONG LEROY AVENUE TO ITS INTERSECTION WITH KENSINGTON AVENUE; RUNNING THENCE NORTHEASTERLY ALONG KENSINGTON AVENUE TO ITS INTERSECTION WITH OLYMPIC AVENUE; RUNNING THENCE SOUTH ALONG OLYMPIC AVENUE TO ITS INTERSECTION WITH DORRIS AVENUE; RUNNING THENCE EAST ALONG DORRIS AVENUE TO ITS INTERSECTION WITH BAILEY AVENUE; RUNNING THENCE SOUTH ALONG BAILEY AVENUE TO ITS INTERSECTION WITH GERALD AVENUE; RUNNING THENCE EAST ALONG GERALD AVENUE TO ITS INTERSECTION WITH ROEBLING AVENUE; RUNNING THENCE SOUTH ALONG ROEBLING AVENUE TO ITS INTERSECTION WITH E. DELAVAN AVENUE; RUNNING THENCE SOUTHWESTERLY ALONG E. DELAVAN AVENUE TO ITS INTERSECTION WITH LONGVIEW AVENUE; RUNNING THENCE SOUTH ALONG LONGVIEW AVENUE TO ITS INTERSECTION WITH NORTHLAND AVENUE; RUNNING THENCE WEST ALONG NORTHLAND AVENUE TO ITS INTERSECTION WITH RICKERT AVENUE; RUNNING THENCE SOUTH ALONG RICKERT AVENUE TO ITS INTERSECTION WITH SIDNEY STREET; RUNNING THENCE WEST ALONG SIDNEY STREET TO ITS INTERSECTION WITH HUMBOLDT PARKWAY (AT THE KENSINGTON EXPRESSWAY); RUNNING THENCE SOUTH ALONG HUMBOLDT PARKWAY TO ITS INTERSECTION WITH INTER PARK AVENUE; RUNNING THENCE EAST ALONG INTER PARK AVENUE TO ITS INTERSECTION WITH WINCHESTER AVENUE; RUNNING THENCE SOUTH ALONG WINCHESTER AVENUE TO ITS INTERSECTION WITH WOODLAWN AVENUE; RUNNING

THENCE EAST ALONG WOODLAWN AVENUE TO ITS INTERSECTION WITH DUTTON AVENUE; RUNNING THENCE NORTH ALONG DUTTON AVENUE TO ITS INTERSECTION WITH E. FERRY STREET; RUNNING THENCE WEST ALONG E. FERRY STREET TO ITS INTERSECTION WITH CHELSEA PLACE; RUNNING THENCE NORTH ALONG CHELSEA PLACE TO SCAJAQUADA STREET; RUNNING THENCE SOUTHEASTERLY ALONG SCAJAQUADA STREET TO ITS INTERSECTION WITH GRIDER STREET; RUNNING THENCE NORTH ALONG GRIDER STREET TO ITS INTERSECTION WITH NORTHLAND AVENUE; RUNNING THENCE EAST ALONG NORTHLAND AVENUE TO ITS INTERSECTION WITH SCHUELE AVENUE; RUNNING THENCE SOUTH ALONG SCHUELE AVENUE TO ITS INTERSECTION WITH E. FERRY STREET; RUNNING THENCE WEST ALONG E. FERRY STREET TO ITS INTERSECTION WITH DONOVAN DRIVE; RUNNING THENCE SOUTH ALONG DONOVAN DRIVE TO ITS INTERSECTION WITH BOX AVENUE; RUNNING THENCE EAST ALONG BOX AVENUE TO ITS INTERSECTION WITH MOSELLE STREET; RUNNING THENCE SOUTH ALONG MOSELLE STREET TO ITS INTERSECTION WITH WALDEN AVENUE; RUNNING THENCE WEST ALONG WALDEN AVENUE TO ITS INTERSECTION WITH HOWLETT STREET; RUNNING THENCE SOUTH ALONG HOWLETT STREET TO ITS INTERSECTION WITH SYCAMORE STREET; RUNNING THENCE SOUTHWESTERLY ALONG SYCAMORE STREET TO THIS INTERSECTION WITH MILLS STREET; RUNNING THENCE NORTHERLY ALONG MILLS STREET TO ITS INTERSECTION WITH GENESEE STREET; RUNNING THENCE SOUTHWESTERLY ALONG GENESEE STREET TO ITS INTERSECTION WITH JEFFERSON AVENUE; RUNNING THENCE NORTHERLY ALONG JEFFERSON AVENUE TO ITS INTERSECTION WITH VIRGINIA STREET; RUNNING THENCE WESTERLY ALONG VIRGINIA STREET TO CHERRY STREET; RUNNING THENCE SOUTHWESTERLY ALONG CHERRY STREET TO ITS INTERSECTION WITH MORTIMER STREET, RUNNING THENCE SOUTHEASTERLY ALONG MORTIMER STREET TO ITS INTERSECTION WITH GENESEE STREET; RUNNING THENCE SOUTHWESTERLY ALONG GENESEE STREET TO ITS INTERSECTION WITH MICHIGAN AVENUE; RUNNING THENCE NORTHEASTERLY ALONG MICHIGAN AVENUE TO ITS INTERSECTION WITH E. TUPPER STREET; RUNNING THENCE WESTERLY ALONG E. TUPPER STREET TO ITS INTERSECTION WITH ELLICOTT STREET; RUNNING THENCE NORTHERLY ALONG ELLICOTT STREET TO ITS INTERSECTION WITH GOODELL STREET; RUNNING THENCE WESTERLY ALONG GOODELL STREET TO ITS INTERSECTION WITH WASHINGTON STREET; RUNNING THENCE NORTHERLY ALONG WASHINGTON STREET TO ITS INTERSECTION WITH VIRGINIA STREET; RUNNING THENCE WESTERLY ALONG VIRGINIA STREET TO ITS INTERSECTION WITH MAIN STREET; RUNNING THENCE NORTHERLY ALONG MAIN STREET TO ITS INTERSECTION WITH W. UTICA STREET; RUNNING THENCE WESTERLY ALONG W. UTICA STREET TO ITS INTERSECTION WITH LINWOOD AVENUE; RUNNING THENCE NORTHERLY ALONG LINWOOD AVENUE TO ITS INTERSECTION WITH W. DELAVAN AVENUE; RUNNING THENCE EASTERLY ALONG W. DELAVAN AVENUE TO ITS INTERSECTION WITH MAIN STREET; RUNNING THENCE NORTHEASTERLY ALONG MAIN STREET TO ITS INTERSECTION WITH FLORENCE AVENUE; RUNNING THENCE NORTHWESTERLY ALONG FLORENCE AVENUE TO ITS INTERSECTION WITH CRESCENT AVENUE; RUNNING THENCE NORTHEASTERLY ALONG CRESCENT AVENUE TO ITS INTERSECTION WITH JEWETT PARKWAY; RUNNING THENCE WESTERLY ALONG JEWETT PARKWAY TO ITS INTERSECTION WITH SUMMIT AVENUE; RUNNING THENCE NORTHERLY ALONG SUMMIT AVENUE TO ITS INTERSECTION WITH RUSSELL STREET; RUNNING THENCE WEST ALONG RUSSELL STREET TO ITS INTERSECTION WITH CRESCENT AVENUE; RUNNING THENCE NORTHWESTERLY ALONG CRESCENT AVENUE TO ITS INTERSECTION WITH AMHERST STREET; RUNNING THENCE EASTERLY ALONG AMHERST STREET TO ITS INTERSECTION WITH MAIN STREET; RUNNING THENCE NORTHEASTERLY ALONG MAIN STREET TO THE POINT AND PLACE OF BEGINNING.

S 2. Article 4 of the real property tax law is amended by adding a new title 3-A to read as follows:

TITLE 3-A
TAX ABATEMENT FOR CERTAIN COMMERCIAL PROPERTIES WITHIN THE CENTRAL BUFFALO HOUSING DISTRICT

SECTION 497. REAL PROPERTY TAX ABATEMENT WITHIN THE CENTRAL BUFFALO HOUSING DISTRICT.

S 497. REAL PROPERTY TAX ABATEMENT WITHIN THE CENTRAL BUFFALO HOUSING DISTRICT. 1. ANY BUSINESS ENTITY WHICH OWNS REAL PROPERTY OR PROPERTY WITHIN THE CENTRAL BUFFALO HOUSING DISTRICT, AS DESCRIBED IN SUBDIVISION SEVEN OF SECTION FOUR HUNDRED TWENTY-ONE-L OF THIS ARTICLE, SHALL RECEIVE AN ABATEMENT OF REAL PROPERTY TAXES FOR ERECTION OF A NEW BUILDING OR STRUCTURE UPON SUCH REAL PROPERTY OR ADDITION, ALTERATION OR IMPROVEMENT OF EXISTING REAL PROPERTY OR PROPERTY, DURING THE BENEFIT PERIOD AS FOLLOWS:

(A) FOR EACH OF THE FIRST THREE YEARS OF THE BENEFIT PERIOD, THE ABATEMENT SHALL BE EQUAL TO THE EXPENDITURES ASSOCIATED WITH THE IMPROVEMENT OF SUCH REAL PROPERTY OR PROPERTY, PURSUANT TO THIS SECTION, EXPENDED IN EACH SUCH YEAR.

(B) FOR THE FOURTH YEAR OF THE BENEFIT PERIOD, THE ABATEMENT SHALL BE EQUAL TO TWO-THIRDS OF THE ABATEMENT IN THE FIRST YEAR OF THE BENEFIT PERIOD; AND

(C) FOR THE FIFTH YEAR OF THE BENEFIT PERIOD, THE ABATEMENT SHALL BE EQUAL TO ONE-THIRD OF THE ABATEMENT IN THE FIRST YEAR OF THE BENEFIT PERIOD.

2. IF, AS A RESULT OF APPLICATION TO THE COMMISSIONER OF TAXATION AND FINANCE OR A COURT ORDER OR ACTION BY THE DEPARTMENT OF TAXATION AND FINANCE, THE BILLABLE ASSESSED VALUE IS REDUCED, SUCH DEPARTMENT SHALL RECALCULATE THE ABATEMENT UTILIZING SUCH REDUCED BILLABLE ASSESSED VALUE. THE AMOUNT EQUAL TO THE DIFFERENCE BETWEEN THE ABATEMENT ORIGINALLY GRANTED AND THE ABATEMENT AS SO RECALCULATED SHALL BE DEDUCTED FROM ANY REFUND OTHERWISE PAYABLE OR REMISSION OTHERWISE DUE AS A RESULT OF SUCH REDUCTION IN BILLABLE ASSESSED VALUE, AND ANY BALANCE OF SUCH AMOUNT REMAINING UNPAID AFTER MAKING ANY SUCH DEDUCTION SHALL BE PAID TO THE DEPARTMENT OF TAXATION AND FINANCE WITHIN THIRTY DAYS FROM THE DATE OF MAILING BY SUCH DEPARTMENT OF A NOTICE OF THE AMOUNT PAYABLE. SUCH AMOUNT PAYABLE SHALL CONSTITUTE A TAX LIEN ON THE ELIGIBLE BUILDING, REAL PROPERTY OR PROPERTY AS OF THE DATE OF SUCH NOTICE AND, IF NOT PAID WITHIN SUCH THIRTY-DAY PERIOD, PENALTY AND INTEREST AT THE RATE APPLICABLE TO DELINQUENT TAXES ON SUCH ELIGIBLE BUILDING, REAL PROPERTY OR PROPERTY SHALL BE CHARGED AND COLLECTED ON SUCH AMOUNT FROM THE DATE OF SUCH NOTICE TO THE DATE OF PAYMENT.

3. IN NO EVENT SHALL THE ABATEMENT FOR THE ELIGIBLE PREMISES GRANTED PURSUANT TO THIS SECTION EXCEED THE TAX LIABILITY ALLOCABLE TO THE ELIGIBLE PREMISES.

4. NO ABATEMENT SHALL EXIST UNDER THIS SECTION UNLESS SUCH ERECTION, ADDITION, ALTERATION OR IMPROVEMENT TO SUCH REAL PROPERTY OR PROPERTY CONSTITUTES A SIGNIFICANT IMPROVEMENT TO SUCH REAL PROPERTY OR PROPERTY.

5. FOR THE PURPOSES OF THIS SECTION, "BUSINESS" SHALL MEAN ANY PARTNERSHIP, CORPORATION, SOLE PROPRIETORSHIP OR LIMITED LIABILITY ENTITY.

S 3. This act shall take effect on the one hundred twentieth day after it shall have become a law and shall apply to tax years and taxable status dates beginning on or after January 1, 2009; provided, however, that effective immediately, the addition, amendment and/or repeal of any rules or regulations necessary for the implementation of this act on its effective date is authorized and directed to be made and completed on or before such effective date.