

2009-2010 Regular Sessions

I N S E N A T E

(PREFILED)

January 7, 2009

Introduced by Sens. BRESLIN, KRUGER, MONTGOMERY, OPPENHEIMER, PARKER, SAMPSON, SMITH, STACHOWSKI, STAVISKY -- 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 the tax exempt status of community residences

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

1 Section 1. The real property tax law is amended by adding a new
2 section 306 to read as follows:

3 S 306. TAXATION OF COMMUNITY RESIDENCES FOR THE MENTALLY ILL. A
4 "COMMUNITY RESIDENCE" AS DEFINED IN SECTION 1.03 OF THE MENTAL HYGIENE
5 LAW SHALL BE SUBJECT TO REAL PROPERTY TAXATION, AND ANY TAX DUE ON SUCH
6 PROPERTY, WHETHER OWNED BY THE STATE, A MUNICIPALITY, OR A NOT-FOR-PRO-
7 FIT COMPANY SHALL BE PAID BY THE STATE.

8 S 2. Section 420-a of the real property tax law is amended by adding a
9 new subdivision 15 to read as follows:

10 15. THE PROVISIONS OF THIS SECTION SHALL NOT APPLY TO ANY COMMUNITY
11 RESIDENCE AS DEFINED IN SECTION 1.03 OF THE MENTAL HYGIENE LAW.

12 S 3. Section 532 of the real property tax law is amended by adding a
13 new subdivision (k) to read as follows:

14 (K) ALL LANDS ACQUIRED FOR USE AS A COMMUNITY RESIDENCE AS DEFINED IN
15 SECTION 1.03 OF THE MENTAL HYGIENE LAW.

16 S 4. Paragraph (a) of subdivision 1 of section 422 of the real proper-
17 ty tax law, as amended by chapter 409 of the laws of 1993, is amended to
18 read as follows:

19 (a) Real property owned by a not-for-profit corporation organized
20 pursuant to the not-for-profit corporation law and the provisions of
21 article two of the private housing finance law, used exclusively to
22 provide housing and auxiliary facilities for faculty members, students,

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

1 employees, nurses, interns, resident physicians, researchers and other
2 personnel and their immediate families in attendance or employed at
3 colleges, universities, educational institutions, child care insti-
4 tutions, hospitals and medical research institutes, or for handicapped
5 or aged persons of low income, or owned by non-profit nursing home
6 companies organized pursuant to the not-for-profit corporation law and
7 the provisions of article twenty-eight-A of the public health law, used
8 exclusively to provide facilities for nursing care to sick, invalid,
9 infirm, disabled or convalescent persons of low income, or to provide
10 health-related service as defined in article twenty-eight of the public
11 health law to persons of low income, or any combination of the forego-
12 ing, and in addition thereto, to provide nursing care and health-related
13 service, or either of them, to persons of low income who are not occu-
14 pants of the project, or owned by housing development fund companies
15 organized pursuant to the not-for-profit corporation law and article
16 eleven of the private housing finance law, used exclusively to provide
17 housing for handicapped or aged persons of low income, and financed by a
18 federally-aided mortgage as defined in said article eleven, [or owned by
19 companies organized pursuant to the not-for-profit corporation law and
20 the provisions of article seventy-five of the mental hygiene law, used
21 exclusively to provide care, treatment, training, education and residen-
22 tial accommodations for operation as hostels for the mentally ill or
23 mentally retarded,] or owned by companies organized pursuant to the
24 membership corporations law and the provisions of article seven-A of the
25 private housing finance law, used exclusively to provide programs,
26 services and other facilities for the aging, shall be exempt from taxa-
27 tion and exempt from special ad valorem levies and special assessments
28 to the extent provided in section four hundred ninety of this chapter,
29 provided, however, that in a city having a population of one million or
30 more real property owned by any such corporation which is to provide
31 housing accommodations, substantially all of which are or are to be
32 assisted by rent subsidies made or to be made available by the Federal
33 government pursuant to a contract under section eight of the United
34 States Housing Act of nineteen hundred thirty-seven, as amended, or
35 pursuant to a project rental assistance contract under section two
36 hundred two of the United States Housing Act of nineteen hundred fifty-
37 nine, as amended, or pursuant to a project rental assistance contract
38 under section eight hundred eleven of the National Affordable Housing
39 Act of nineteen hundred ninety, as amended, shall from and after the
40 commencement of construction be subject to taxation or exempt therefrom
41 to the extent approved by a municipality acting through its local legis-
42 lative body, as such local legislative body is defined in [paragraph]
43 SUBDIVISION twelve of section two of the private housing finance law. No
44 such corporation or company shall pay a dividend on any of its stock or
45 pay interest on any of its debentures. Provided further, however, in a
46 county having a population of one million or more and having not more
47 than three towns within such county, real property owned by housing
48 development fund companies organized pursuant to the not-for-profit
49 corporation law and article eleven of the private housing finance law,
50 used exclusively to provide housing for handicapped or aged persons of
51 low income, and financed by a federally-aided mortgage as defined in
52 said article eleven shall from and after the commencement of
53 construction be subject to taxation or exempt therefrom to the extent
54 approved by a municipality acting through its local legislative body, as
55 such local legislative body is defined in [paragraph] SUBDIVISION twelve
56 of section two of the private housing finance law. Any tax payments

1 and/or payments in lieu of taxes made to a municipality pursuant to the
2 preceding sentence shall not be passed through nor become the liability
3 of any of the occupants of such property.
4 S 5. This act shall take effect immediately.