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

328

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:

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

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

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

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

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

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

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

(a) Real property owned by a not-for-profit corporation organized pursuant to the not-for-profit corporation law and the provisions of article two of the private housing finance law, used exclusively to 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.

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employees, nurses, interns, resident physicians, researchers and other personnel and their immediate families in attendance or employed at colleges, universities, educational institutions, child care institutions, hospitals and medical research institutes, or for handicapped or aged persons of low income, or owned by non-profit nursing home companies organized pursuant to the not-for-profit corporation law and the provisions of article twenty-eight-A of the public health law, used exclusively to provide facilities for nursing care to sick, invalid, infirm, disabled or convalescent persons of low income, or to provide health-related service as defined in article twenty-eight of the public health law to persons of low income, or any combination of the foregoing, and in addition thereto, to provide nursing care and health-related service, or either of them, to persons of low income who are not occupants of the project, or owned by housing development fund companies organized pursuant to the not-for-profit corporation law and article eleven of the private housing finance law, used exclusively to provide housing for handicapped or aged persons of low income, and financed by a federally-aided mortgage as defined in said article eleven, [or owned by companies organized pursuant to the not-for-profit corporation law and the provisions of article seventy-five of the mental hygiene law, used exclusively to provide care, treatment, training, education and residential accommodations for operation as hostels for the mentally ill or mentally retarded,] or owned by companies organized pursuant to the membership corporations law and the provisions of article seven-A of the private housing finance law, used exclusively to provide programs, services and other facilities for the aging, shall be exempt from taxation and exempt from special ad valorem levies and special assessments to the extent provided in section four hundred ninety of this chapter, provided, however, that in a city having a population of one million or more real property owned by any such corporation which is to provide housing accommodations, substantially all of which are or are to be assisted by rent subsidies made or to be made available by the Federal government pursuant to a contract under section eight of the United States Housing Act of nineteen hundred thirty-seven, as amended, or pursuant to a project rental assistance contract under section two hundred two of the United States Housing Act of nineteen hundred fifty-nine, as amended, or pursuant to a project rental assistance contract under section eight hundred eleven of the National Affordable Housing Act of nineteen hundred ninety, as amended, shall from and after the commencement of construction be subject to taxation or exempt therefrom to the extent approved by a municipality acting through its local legislative body, as such local legislative body is defined in [paragraph] SUBDIVISION twelve of section two of the private housing finance law. No such corporation or company shall pay a dividend on any of its stock or pay interest on any of its debentures. Provided further, however, in a county having a population of one million or more and having not more than three towns within such county, real property owned by housing development fund companies organized pursuant to the not-for-profit corporation law and article eleven of the private housing finance law, used exclusively to provide housing for handicapped or aged persons of low income, and financed by a federally-aided mortgage as defined in said article eleven shall from and after the commencement of construction be subject to taxation or exempt therefrom to the extent approved by a municipality acting through its local legislative body, as such local legislative body is defined in [paragraph] SUBDIVISION twelve of section two of the private housing finance law. Any tax payments

and/or payments in lieu of taxes made to a municipality pursuant to the preceding sentence shall not be passed through nor become the liability of any of the occupants of such property.

S 5. This act shall take effect immediately.