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

2419

2009-2010 Regular Sessions

I N A S S E M B L Y

January 15, 2009

Introduced by M. of A. McENENY, GALEF -- Multi-Sponsored by -- M. of A. BRENNAN, CLARK, COLTON -- read once and referred to the Committee on Real Property Taxation

AN ACT to amend the real property tax law, in relation to installment payments of tax increases due to revaluations

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 928-b to read as follows:

S 928-B. INSTALLMENT PAYMENTS OF TAX INCREASES; REVALUATIONS. 1. GENERALLY. NOTWITHSTANDING ANY PROVISION OF LAW TO THE CONTRARY, WHERE AN ASSESSING UNIT CONDUCTS A REVALUATION OR UPDATE OF ALL ASSESSMENTS IN THE ASSESSING UNIT, A TAX DISTRICT WHICH LEVIES TAXES BASED ON A ROLL PREPARED BY SUCH AN ASSESSING UNIT PROVIDED THAT THE GOVERNING BODY OF SUCH TAX DISTRICT HAS ADOPTED A LOCAL LAW, ORDINANCE OR RESOLUTION PROVIDING THEREFOR, SHALL DEFER ANY INCREASE IN TAX FOR PROPERTY OWNERS IN SUCH UNIT OF MORE THAN EITHER TEN, TWENTY, THIRTY, FORTY OR FIFTY PERCENT OVER THE TAX LEVIED BY SUCH TAX DISTRICT ON SUCH PROPERTY IN THE IMMEDIATELY PRECEDING YEAR WHEN SUCH TAX LEVY IS BASED ON AN ASSESSMENT ROLL RESULTING FROM SUCH REVALUATION OR UPDATE OF ASSESSMENTS, IN THE MANNER PROVIDED BY THIS SECTION.

2. ELIGIBLE TAXPAYERS. INSTALLMENT PAYMENT OF TAX INCREASES OF MORE THAN EITHER TEN, TWENTY, THIRTY, FORTY OR FIFTY PERCENT UNDER THIS SECTION SHALL BE ALLOWED FOR OWNERS WHOSE PROPERTY QUALIFIES FOR THE EXEMPTION FOR PERSONS SIXTY-FIVE YEARS OF AGE OR OVER AUTHORIZED PURSUANT TO SECTION FOUR HUNDRED SIXTY-SEVEN OF THIS CHAPTER. A TAX DISTRICT MAY PERMIT INSTALLMENT PAYMENT OF SUCH TAX INCREASE FOR ALL OTHER OWNERS BY PROVIDING THEREFOR IN THE LOCAL LAW, ORDINANCE OR RESOLUTION ADOPTED IN ACCORDANCE WITH THE PROVISIONS OF SUBDIVISION ONE OF THIS SECTION.

3. INSTALLMENT PAYMENTS. WHEN AN INCREASE IN TAX IS DEFERRED AS PROVIDED BY SUBDIVISION ONE OF THIS SECTION, THE REMAINING EITHER NINE-

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

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TY, EIGHTY, SEVENTY, SIXTY OR FIFTY PERCENT OF SUCH INCREASE IN TAX SHALL BE PAID IN TWO EQUAL SUBSEQUENT ANNUAL INSTALLMENTS OF FIFTY PERCENT OF THE ADOPTED DEFERRED ANNUAL INCREASE. IN ADDITION, TAXES LEVIED BY SUCH TAX DISTRICT IN THE NEXT TWO YEARS SHALL BE PERMITTED TO BE PAID IN ANNUAL INSTALLMENTS IN THE SAME MANNER AS HEREIN DESCRIBED IN THE FIRST YEAR FOLLOWING A REVALUATION.

4. INTEREST. AFTER ANY PARTIAL PAYMENT AUTHORIZED PURSUANT TO THIS SECTION HAS BEEN PAID, INTEREST SHALL BE CHARGED AT A RATE SET PURSUANT TO SECTION NINE HUNDRED TWENTY-FOUR-A OF THIS TITLE. NOTHING IN THIS SECTION, HOWEVER, SHALL BE CONSTRUED TO PREVENT ANY OWNER FROM PAYING THE WHOLE UNPAID BALANCE OF TAX AT ANY TIME WITHOUT FURTHER INTEREST OR PENALTY.

5. LIENS. THE ACCEPTANCE OF PARTIAL PAYMENT BY ANY OFFICIAL PURSUANT TO THIS SECTION SHALL NOT BE DEEMED TO AFFECT ANY LIENS AND POWERS OF ANY COUNTY CONFERRED IN ANY GENERAL OR SPECIAL ACT, BUT SUCH RIGHTS AND POWERS SHALL REMAIN IN FULL FORCE AND EFFECT TO ENFORCE COLLECTION OF THE UNPAID BALANCE OF SUCH TAX OR TAX LIENS TOGETHER WITH INTEREST, PENALTIES, AND OTHER LAWFUL CHARGES.

6. EFFECT OF SALE OR TRANSFER OF REAL PROPERTY. WHERE THE OWNER OF REAL PROPERTY PERMITTED TO MAKE INSTALLMENT PAYMENTS PURSUANT TO THIS SECTION SELLS OR TRANSFERS THE PROPERTY TO ANOTHER PERSON OR TO HIMSELF OR HERSELF AND ANOTHER PERSON, ALL TAXES DEFERRED PURSUANT TO THIS SECTION SHALL BE DEEMED DUE AND PAYABLE IN FULL WITH ANY APPLICABLE INTEREST.

7. DEFINITION. FOR THE PURPOSES OF THIS SECTION, THE TERM "TAX DISTRICT" SHALL MEAN AND INCLUDE A MUNICIPAL CORPORATION OR A SPECIAL DISTRICT.

S 2. This act shall take effect on the first of January next succeeding the date on which it shall have become a law and shall apply to all taxes levied on or after the filing of a final assessment roll prepared pursuant to a revaluation of all real property in an assessing unit when such revaluation occurs after the date this act shall have become a law.