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

4200

2009-2010 Regular Sessions

I N A S S E M B L Y

January 30, 2009

Introduced by M. of A. THIELE, WALKER -- read once and referred to the Committee on Real Property Taxation

AN ACT to amend the real property tax law, in relation to providing an exemption for real property improved with a single family dwelling where said real property is altered to create an accessory apartment for community housing purposes

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 420-d to read as follows:

S 420-D. EXEMPTION FROM LOCAL REAL PROPERTY TAXATION FOR ACCESSORY APARTMENT IN A SINGLE FAMILY DWELLING FOR COMMUNITY HOUSING PURPOSES. 1. REAL PROPERTY IMPROVED WITH A SINGLE FAMILY DWELLING WITH A VALID CERTIFICATE OF OCCUPANCY WHICH IS ALTERED SO AS TO BE IMPROVED WITH AN ACCESSORY APARTMENT OR ACCESSORY DWELLING UNIT WHICH ACCESSORY UNIT IS UTILIZED SOLELY FOR COMMUNITY HOUSING PURPOSES, PURSUANT TO A LOCAL ZONING ORDINANCE OR LOCAL LAW, SHALL BE EXEMPT FROM TAXATION BY ANY MUNICIPAL CORPORATION, INCLUDING A SCHOOL DISTRICT, IN WHICH SUCH PROPERTY IS LOCATED TO THE EXTENT PROVIDED FOR IN SUBDIVISION TWO OF THIS SECTION; PROVIDED, HOWEVER, THAT THE GOVERNING BOARD OF SUCH MUNICIPALITY, AFTER PUBLIC HEARING, ADOPTS A LOCAL LAW, ORDINANCE, OR RESOLUTION ENACTING SAID EXEMPTION. FOR THE PURPOSES OF THIS SECTION, "COMMUNITY HOUSING" SHALL MEAN HOUSING FOR PERSONS OR FAMILIES WHOSE INCOME IS AT OR BELOW THE MEDIAN INCOME FOR THE COUNTY IN WHICH THE HOUSING IS LOCATED.

2. SUCH REAL PROPERTY SHALL BE EXEMPT FROM REAL PROPERTY TAXATION TO THE EXTENT OF ONE HUNDRED PERCENT OF THE INCREASE IN ASSESSED VALUE OF THE PROPERTY ATTRIBUTABLE TO THE ALTERATION OF THE PROPERTY TO PROVIDE THE ACCESSORY APARTMENT OR DWELLING UNIT FOR A PERIOD OF TEN YEARS.

3. IF AT ANY TIME DURING THE PERIOD THAT THE REAL PROPERTY IS ELIGIBLE FOR THE REAL PROPERTY EXEMPTION PROVIDED FOR IN THIS SECTION, THE ACCES-

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

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SORY APARTMENT OR DWELLING UNIT CEASES TO BE OCCUPIED FOR COMMUNITY HOUSING, THE OWNER SHALL NO LONGER BE ELIGIBLE FOR SUCH EXEMPTION.

4. SUCH EXEMPTION MAY BE GRANTED PURSUANT TO THIS SECTION ONLY UPON APPLICATION BY THE OWNER ON A FORM PRESCRIBED BY THE STATE BOARD OR ANY COMPARABLE FORM, WHICH APPLICATION SHALL BE ACCEPTED BY THE ASSESSOR OF SUCH MUNICIPAL CORPORATION. A VALID CERTIFICATE OF OCCUPANCY FOR THE SINGLE FAMILY DWELLING AND THE ACCESSORY APARTMENT SHALL BE PROVIDED WITH THE APPLICATION.

5. SUCH EXEMPTION MAY BE GRANTED FOR EACH NEW OWNER OF THE PROPERTY, PROVIDED THAT THE ACCESSORY APARTMENT CONTINUES TO BE UTILIZED FOR COMMUNITY HOUSING.

6. THE STATE BOARD IS HEREBY AUTHORIZED AND DIRECTED TO PROMULGATE RULES AND REGULATIONS NECESSARY TO IMPLEMENT THE PROVISIONS OF THIS SECTION.

S 2. This act shall take effect on the first of January next succeeding the date on which it shall have become a law.