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

797

2009-2010 Regular Sessions

I N A S S E M B L Y

(PREFILED)

January 7, 2009

Introduced by M. of A. McDONOUGH, THIELE, BARRA, RAIA, GIGLIO, FINCH -- Multi-Sponsored by -- M. of A. BOYLAND, BURLING, RABBITT, WALKER -- read once and referred to the Committee on Real Property Taxation

AN ACT to amend the real property tax law, in relation to limiting real property assessment increases; and caps municipal tax increases in this state

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 307-b to read as follows:

S 307-B. LIMITATION ON INCREASES OF ASSESSED VALUE OF REAL PROPERTY SUBJECT TO TAXATION. NOTWITHSTANDING ANY PROVISION OF ANY GENERAL, SPECIAL OR LOCAL LAW TO THE CONTRARY, THE ASSESSOR FOR A MUNICIPAL CORPORATION SHALL NOT INCREASE THE ASSESSMENT OF ANY TAXABLE REAL PROPERTY AS DEFINED PURSUANT TO SECTION THREE HUNDRED OF THIS TITLE, AS MEASURED FROM THE FULL VALUATION ASSESSMENT OF SUCH REAL PROPERTY ON DECEMBER THIRTY-FIRST, TWO THOUSAND NINE, UNLESS THE PROPERTY IS SOLD, TRANSFERRED OR RENOVATED, OR TO CORRECT AN ERROR. THREE YEARS FROM THE EFFECTIVE DATE OF THIS SECTION AND ONCE EVERY THREE YEARS THEREAFTER, A MUNICIPAL CORPORATION SHALL BE ALLOWED TO INCREASE THE ASSESSMENT OF TAXABLE REAL PROPERTY BY THE PERCENTAGE INCREASE IN THE CONSUMER PRICE INDEX.

S 2. Notwithstanding any other law to the contrary, beginning January 1, 2011 no tax paid to any municipality in this state shall increase annually by more than the annual percentage increase in the consumer price index or by five percent, whichever percentage is less. Provided, however, a municipal tax may exceed the annual percentage increase in the consumer price index or five percent as long as such tax does not exceed the total inflation rate or more than twenty-five percent in any five-year period, whichever percentage is less. Qualified voters in a

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

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municipality may, by a two-thirds majority vote, override any tax levy limitation authorized pursuant to this section. A municipality may increase an annual tax rate percentage over the percentage allowed by this section, without voter approval, to fund tax certiorari proceedings, emergency expenditures and court orders. A school district may increase an annual tax rate percentage over the percentage allowed by this section, without voter approval, to fund ordinary contingent expenses as defined in section 2601-a of the education law or expenditures attributable to any increased costs over the prior school year resulting from payments required to be made by the school district or on behalf of the school district to the public employee retirement systems of the state, excluding any payments for voluntary statutory retirement incentives. For purposes of this section "municipality" means a municipal corporation, as defined in section 2 of the general municipal law, school district, fire district, district corporation or any other district governed by a separate board of commissioners.

S 3. This act shall take effect on the one hundred eightieth day after it shall have become a law. Provided, however, that effective immediately, the addition, amendment and/or repeal of any rule or regulation necessary for the implementation of this act on its effective date are authorized and directed to be made and completed on or before such effective date.