

8926

2009-2010 Regular Sessions

I N   A S S E M B L Y

June 16, 2009

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

AN ACT to amend the real property tax law, in relation to providing for  
the elimination of the separate utility class (class 3) in New York  
city

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

1     Section 1. The section heading and the opening paragraph of subdivi-  
2     sion 1 of section 1802 of the real property tax law, the section heading  
3     as added by chapter 1057 of the laws of 1981 and the opening paragraph  
4     of subdivision 1 as separately amended by chapters 123 and 529 of the  
5     laws of 1990, are amended to read as follows:

6     Classification of real property in a special assessing unit NOT  
7     LOCATED WHOLLY WITHIN A CITY.

8     All real property, for the purposes of this article, in a special  
9     assessing unit NOT LOCATED WHOLLY WITHIN A CITY shall be classified as  
10    follows:

11    S 2. The real property tax law is amended by adding a new section  
12    1802-a to read as follows:

13    S 1802-A. CLASSIFICATION OF REAL PROPERTY IN A SPECIAL ASSESSING UNIT  
14    LOCATED WHOLLY WITHIN A CITY. 1. ALL REAL PROPERTY, FOR THE PURPOSES OF  
15    THIS ARTICLE, IN A SPECIAL ASSESSING UNIT LOCATED WHOLLY WITHIN A CITY  
16    SHALL BE CLASSIFIED AS FOLLOWS:

17    CLASS ONE: (A) ALL ONE, TWO AND THREE FAMILY RESIDENTIAL REAL PROPER-  
18    TY, INCLUDING SUCH DWELLINGS USED IN PART FOR NONRESIDENTIAL PURPOSES  
19    BUT WHICH ARE USED PRIMARILY FOR RESIDENTIAL PURPOSES, EXCEPT SUCH PROP-  
20    ERTY HELD IN COOPERATIVE OR CONDOMINIUM FORMS OF OWNERSHIP OTHER THAN  
21    (I) PROPERTY DEFINED IN SUBPARAGRAPHS (B) AND (C) OF THIS PARAGRAPH AND  
22    (II) PROPERTY WHICH CONTAINS NO MORE THAN THREE DWELLING UNITS HELD IN  
23    CONDOMINIUM FORM OF OWNERSHIP AND WHICH WAS CLASSIFIED WITHIN THIS CLASS  
24    ON A PREVIOUS ASSESSMENT ROLL; AND PROVIDED THAT, NOTWITHSTANDING THE

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

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1 PROVISIONS OF PARAGRAPH (G) OF SUBDIVISION TWELVE OF SECTION ONE HUNDRED  
2 TWO OF THIS CHAPTER, A MOBILE HOME OR A TRAILER SHALL NOT BE CLASSIFIED  
3 WITHIN THIS CLASS UNLESS IT IS OWNER-OCCUPIED AND SEPARATELY ASSESSED;  
4 AND (B) RESIDENTIAL REAL PROPERTY NOT MORE THAN THREE STORIES IN HEIGHT  
5 HELD IN CONDOMINIUM FORM OF OWNERSHIP, PROVIDED THAT NO DWELLING UNIT  
6 THEREIN PREVIOUSLY WAS ON AN ASSESSMENT ROLL AS A DWELLING UNIT IN OTHER  
7 THAN CONDOMINIUM FORM OF OWNERSHIP; AND (C) RESIDENTIAL REAL PROPERTY  
8 CONSISTING OF ONE FAMILY HOUSE STRUCTURES OWNED BY THE OCCUPANT, SITU-  
9 ATED ON LAND HELD IN COOPERATIVE OWNERSHIP BY OWNER OCCUPIERS, PROVIDED  
10 THAT; (I) SUCH HOUSE STRUCTURES AND LAND CONSTITUTED BUNGALOW COLONIES  
11 IN EXISTENCE PRIOR TO NINETEEN HUNDRED FORTY; AND (II) THE LAND IS HELD  
12 IN COOPERATIVE OWNERSHIP FOR THE SOLE PURPOSE OF MAINTAINING ONE FAMILY  
13 RESIDENCES FOR MEMBERS OWN USE; AND (D) ALL VACANT LAND LOCATED WITHIN A  
14 SPECIAL ASSESSING UNIT WHICH IS A CITY OTHER THAN SUCH LAND IN THE  
15 BOROUGH OF MANHATTAN SOUTH OF OR ADJACENT TO THE SOUTH SIDE OF 110TH  
16 STREET, PROVIDED THAT ANY SUCH VACANT LAND WHICH IS NOT ZONED RESIDEN-  
17 TIAL MUST BE SITUATED IMMEDIATELY ADJACENT TO PROPERTY IMPROVED WITH A  
18 RESIDENTIAL STRUCTURE AS DEFINED IN SUBPARAGRAPHS (A) AND (B) OF THIS  
19 PARAGRAPH, BE OWNED BY THE SAME OWNER AS SUCH IMMEDIATELY ADJACENT RESI-  
20 DENTIAL PROPERTY IMMEDIATELY PRIOR TO AND SINCE JANUARY FIRST, NINETEEN  
21 HUNDRED EIGHTY-NINE, AND HAVE A TOTAL AREA NOT EXCEEDING TEN THOUSAND  
22 SQUARE FEET.

23 CLASS TWO: ALL OTHER RESIDENTIAL REAL PROPERTY WHICH IS NOT DESIGNATED  
24 AS CLASS ONE, EXCEPT HOTELS AND MOTELS AND OTHER SIMILAR COMMERCIAL  
25 PROPERTY.

26 CLASS THREE: ALL OTHER REAL PROPERTY WHICH IS NOT DESIGNATED AS CLASS  
27 ONE OR CLASS TWO.

28 2. IN ADDITION TO ANY REQUIREMENTS OF LAW OR RULE OF THE STATE BOARD,  
29 THE ASSESSMENT ROLL SHALL CONTAIN A SEPARATE COLUMN FOR THE ENTRY OF THE  
30 CLASS DESIGNATION REQUIRED BY THIS SECTION. THE ASSESSOR SHALL ENTER THE  
31 APPROPRIATE CLASS DESIGNATION IN THIS COLUMN FOR EACH PARCEL LISTED ON  
32 THE ASSESSMENT ROLL.

33 3. THE DETERMINATION OF INCLUSION WITHIN A CLASS PURSUANT TO THIS  
34 SECTION SHALL BE SUBJECT TO ADMINISTRATIVE AND JUDICIAL REVIEW AS  
35 PROVIDED BY LAW FOR THE REVIEW OF ASSESSMENTS.

36 S 3. Subdivision 3 of section 1805 of the real property tax law, as  
37 amended by chapter 143 of the laws of 1989, is amended to read as  
38 follows:

39 3. If the assessment appearing on an assessment roll completed on or  
40 after January first, nineteen hundred eighty-two for any parcel not  
41 subject to the provisions of subdivision one or two of this section,  
42 other than a parcel classified in class three IN A SPECIAL ASSESSING  
43 UNIT NOT LOCATED WHOLLY WITHIN A CITY, is greater than the assessment  
44 appearing on the previous year's assessment roll the assessor shall  
45 determine a transition assessment for such parcel for the first assess-  
46 ment roll on which such greater assessment appears and for each of the  
47 succeeding four assessment rolls by computing the difference between  
48 such greater assessment and the assessment appearing on such previous  
49 year's assessment roll and adding the following percentages of such  
50 difference to the assessment appearing on such previous year's assess-  
51 ment roll: in the first year, twenty percent; in the second year, forty  
52 percent; in the third year, sixty percent; in the fourth year, eighty  
53 percent; and in the fifth year, one hundred percent. If the assessment  
54 of a parcel is increased during a period for which transition assess-  
55 ments have been established because of any prior assessment increases,  
56 such new increase shall be phased-in over a five-year period as set

1 forth in this subdivision, and such phased-in increases shall be added  
2 to the transitional assessments previously established for the prior  
3 increase; provided, however, that if in any year any such transition  
4 assessment exceeds the actual assessment for such year, taxes imposed on  
5 such parcel for such year shall be based on such lesser actual assess-  
6 ment. Notwithstanding the foregoing, during the period of any such tran-  
7 sition, the assessment roll shall contain an entry of the full amount of  
8 such greater assessment which shall be used by the state board in its  
9 determination of class ratios pursuant to paragraph (b) of subdivision  
10 one of section twelve hundred two of this chapter. In establishing state  
11 equalization rates, class equalization rates, special state equalization  
12 rates and special state equalization ratios under article twelve, arti-  
13 cle twelve-A and article twelve-B of this chapter, the state board shall  
14 use the transition assessments as provided for in this subdivision in  
15 its determinations, or where the actual assessment is the lesser, such  
16 actual assessment shall be so used.

17 S 4. This act shall take effect immediately and shall be applicable to  
18 assessment rolls with a taxable status date following such effective  
19 date.