

6755

I N   S E N A T E

February 3, 2010

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Introduced by Sen. LAVALLE -- 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 authorizing a municipal corporation to provide a real property tax exemption for improvements to real property meeting LEED certification standards for green buildings

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

1     Section 1. The real property tax law is amended by adding a new  
 2     section 470 to read as follows:  
 3     S 470. EXEMPTION FOR IMPROVEMENTS TO REAL PROPERTY MEETING LEED  
 4     CERTIFICATION STANDARDS FOR GREEN BUILDINGS. 1. CONSTRUCTION OF IMPROVE-  
 5     MENTS TO REAL PROPERTY INITIATED ON OR AFTER THE FIRST DAY OF JANUARY,  
 6     TWO THOUSAND ELEVEN MEETING LEED CERTIFICATION STANDARDS FOR GREEN  
 7     BUILDINGS AS PROVIDED IN THIS SECTION, SHALL BE EXEMPT FROM TAXATION BY  
 8     ANY MUNICIPAL CORPORATION IN WHICH LOCATED TO THE EXTENT PROVIDED IN  
 9     THIS SECTION, PROVIDED THE GOVERNING BOARD OF SUCH MUNICIPALITY, AFTER  
 10    PUBLIC HEARING, ADOPTS A LOCAL LAW, ORDINANCE OR RESOLUTION PROVIDING  
 11    THEREFOR.  
 12    2. SUCH REAL PROPERTY OR PORTION THEREOF WHICH IS CERTIFIED UNDER A  
 13    CERTIFICATION STANDARD APPROVED BY THE MUNICIPAL CORPORATION WHICH IS  
 14    DETERMINED TO BE EQUIVALENT TO THE LEED CERTIFICATION FOR THE CATEGORIES  
 15    OF CERTIFIED, SILVER, GOLD OR PLATINUM AS MEETING GREEN BUILDING STAND-  
 16    ARDS SHALL BE EXEMPT AS PROVIDED BELOW FOR THE RESPECTIVE PERCENTAGES  
 17    PROVIDED THAT A COPY OF THE CERTIFICATION FOR A QUALIFIED CATEGORY IS  
 18    FILED WITH THE ASSESSOR OF THE MUNICIPAL CORPORATION AND THE ASSESSOR  
 19    APPROVES THE APPLICATION FOR THE APPLICABLE CATEGORY AS MEETING THE  
 20    REQUIREMENTS OF THIS SECTION AND THE MUNICIPAL CORPORATION'S LOCAL LAW,  
 21    ORDINANCE OR RESOLUTION.

|      | LEED EXEMPTION   |      |          |
|------|------------------|------|----------|
| YEAR | CERTIFIED/SILVER | GOLD | PLATINUM |
| 1    | 100%             | 100% | 100%     |
| 2    | 100%             | 100% | 100%     |
| 3    | 100%             | 100% | 100%     |

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

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|   |    |     |      |      |
|---|----|-----|------|------|
| 1 | 4  | 80% | 100% | 100% |
| 2 | 5  | 60% | 80%  | 100% |
| 3 | 6  | 40% | 60%  | 100% |
| 4 | 7  | 20% | 40%  | 80%  |
| 5 | 8  | 0%  | 20%  | 60%  |
| 6 | 9  | 0%  | 0%   | 40%  |
| 7 | 10 | 0%  | 0%   | 20%  |

8 3. NO SUCH EXEMPTION SHALL BE GRANTED UNLESS: (A) SUCH CONSTRUCTION OF  
9 IMPROVEMENTS WAS COMMENCED ON OR AFTER THE FIRST DAY OF JANUARY, TWO  
10 THOUSAND ELEVEN OR SUCH LATER DATE AS MAY BE SPECIFIED BY LOCAL LAW; (B)  
11 THE VALUE OF SUCH CONSTRUCTION EXCEEDS THE SUM OF TEN THOUSAND DOLLARS;  
12 AND (C) SUCH CONSTRUCTION IS DOCUMENTED BY A BUILDING PERMIT, IF  
13 REQUIRED, FOR THE IMPROVEMENTS, OR OTHER APPROPRIATE DOCUMENTATION AS  
14 REQUIRED BY THE ASSESSOR. FOR PURPOSES OF THIS SECTION THE TERM  
15 "CONSTRUCTION OF IMPROVEMENTS" SHALL NOT INCLUDE ORDINARY MAINTENANCE  
16 AND REPAIRS.

17 4. IF THE ASSESSOR IS SATISFIED THAT THE APPLICANT IS ENTITLED TO AN  
18 EXEMPTION PURSUANT TO THIS SECTION, HE OR SHE SHALL APPROVE THE APPLICA-  
19 TION AND SUCH REAL PROPERTY SHALL THEREAFTER BE EXEMPT FROM TAXATION BY  
20 THE MUNICIPAL CORPORATION AS PROVIDED IN THIS SECTION COMMENCING WITH  
21 THE ASSESSMENT ROLL PREPARED AFTER THE TAXABLE STATUS DATE. THE ASSESSED  
22 VALUE OF ANY EXEMPTION GRANTED PURSUANT TO THIS SECTION SHALL BE ENTERED  
23 BY THE ASSESSOR ON THE ASSESSMENT ROLL WITH THE TAXABLE PROPERTY, WITH  
24 THE AMOUNT OF THE EXEMPTION SHOWN IN A SEPARATE COLUMN.

25 S 2. This act shall take effect immediately.