

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

1415--D

2011-2012 Regular Sessions

I N A S S E M B L Y

January 7, 2011

Introduced by M. of A. THIELE, GALEF, ENGLEBRIGHT, ROSENTHAL, CALHOUN, COLTON -- Multi-Sponsored by -- M. of A. MURRAY -- read once and referred to the Committee on Real Property Taxation -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee -- recommitted to the Committee on Real Property Taxation in accordance with Assembly Rule 3, sec. 2 -- reported and referred to the Committee on Ways and Means -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee -- again reported from said committee with amendments, ordered reprinted as amended and recommitted to said committee -- again reported from said committee with amendments, ordered reprinted as amended and recommitted to said committee

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 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 CERTIF-
4 ICATION STANDARDS FOR GREEN BUILDINGS. 1. CONSTRUCTION OF IMPROVEMENTS
5 TO REAL PROPERTY INITIATED ON OR AFTER THE FIRST DAY OF JANUARY, TWO
6 THOUSAND THIRTEEN, MEETING LEED CERTIFICATION STANDARDS FOR GREEN BUILD-
7 INGS AS PROVIDED IN THIS SECTION, THE GREEN BUILDING INITIATIVE'S GREEN
8 GLOBES RATING SYSTEM, THE AMERICAN NATIONAL STANDARDS INSTITUTE, OR
9 SUBSTANTIALLY EQUIVALENT STANDARDS FOR CERTIFICATION USING A SIMILAR
10 PROGRAM FOR GREEN BUILDINGS AS DETERMINED BY THE MUNICIPAL CORPORATION,
11 SHALL BE EXEMPT FROM TAXATION BY ANY MUNICIPAL CORPORATION IN WHICH SUCH
12 PROPERTY IS LOCATED TO THE EXTENT PROVIDED IN THIS SECTION, PROVIDED THE

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

LBD03846-07-2

1 GOVERNING BOARD OF SUCH MUNICIPAL CORPORATION, AFTER CONDUCTING A PUBLIC
2 HEARING, ADOPTS A LOCAL LAW, ORDINANCE OR RESOLUTION PROVIDING THEREFOR.
3 2. SUCH REAL PROPERTY, OR PORTION THEREOF, WHICH IS CERTIFIED UNDER A
4 LEED CERTIFICATION STANDARD FOR THE CATEGORIES OF CERTIFIED, SILVER,
5 GOLD OR PLATINUM AS MEETING GREEN BUILDING STANDARDS, AS DETERMINED BY A
6 LEED ACCREDITED PROFESSIONAL SHALL BE EXEMPT AS PROVIDED BELOW FOR THE
7 RESPECTIVE PERCENTAGES PROVIDED THAT A COPY OF THE LEED CERTIFICATION
8 FOR A QUALIFIED CATEGORY IS FILED WITH THE ASSESSOR'S OFFICE AND IS
9 APPROVED BY THE ASSESSOR AS MEETING THE REQUIREMENTS OF THIS SECTION AND
10 THE MUNICIPAL CORPORATION'S LOCAL LAW, ORDINANCE OR RESOLUTION. SUCH
11 EXEMPTION SHALL BE TO THE EXTENT OF ANY INCREASE IN ASSESSED VALUE
12 RESULTING FROM THE CONSTRUCTION OR RECONSTRUCTION OF A PROPERTY MEETING
13 LEED CERTIFICATION.

LEED EXEMPTION

14	15	16	17	18	19	20	21	22	23	24	25
	YEAR	CERTIFIED/SILVER		GOLD		PLATINUM					
	1	100%		100%		100%					
	2	100%		100%		100%					
	3	100%		100%		100%					
	4	80%		100%		100%					
	5	60%		80%		100%					
	6	40%		60%		100%					
	7	20%		40%		80%					
	8	0%		20%		60%					
	9	0%		0%		40%					
	10	0%		0%		20%					

26 3. NO SUCH EXEMPTION SHALL BE GRANTED UNLESS: (A) SUCH CONSTRUCTION OF
27 IMPROVEMENTS WAS COMMENCED ON OR AFTER THE FIRST DAY OF JANUARY, TWO
28 THOUSAND THIRTEEN, OR SUCH LATER DATE AS MAY BE SPECIFIED BY LOCAL LAW;
29 (B) THE VALUE OF SUCH CONSTRUCTION EXCEEDS THE SUM OF TEN THOUSAND
30 DOLLARS; AND (C) SUCH CONSTRUCTION IS DOCUMENTED BY A BUILDING PERMIT,
31 IF REQUIRED, FOR THE IMPROVEMENTS, OR OTHER APPROPRIATE DOCUMENTATION AS
32 REQUIRED BY THE ASSESSOR. FOR PURPOSES OF THIS SECTION THE TERM
33 "CONSTRUCTION OF IMPROVEMENTS" SHALL NOT INCLUDE ORDINARY MAINTENANCE
34 AND REPAIRS.

35 4. IF THE ASSESSOR IS SATISFIED THAT THE APPLICANT IS ENTITLED TO AN
36 EXEMPTION PURSUANT TO THIS SECTION, HE OR SHE SHALL APPROVE THE APPLICA-
37 TION AND SUCH REAL PROPERTY SHALL THEREAFTER BE EXEMPT FROM TAXATION BY
38 THE MUNICIPAL CORPORATION AS PROVIDED IN THIS SECTION COMMENCING WITH
39 THE ASSESSMENT ROLL PREPARED AFTER THE TAXABLE STATUS DATE. THE ASSESSED
40 VALUE OF ANY EXEMPTION GRANTED PURSUANT TO THIS SECTION SHALL BE ENTERED
41 BY THE ASSESSOR ON THE ASSESSMENT ROLL WITH THE TAXABLE PROPERTY, WITH
42 THE AMOUNT OF THE EXEMPTION SHOWN IN A SEPARATE COLUMN.

43 S 2. This act shall take effect immediately.