

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

3184--A

2011-2012 Regular Sessions

I N A S S E M B L Y

January 24, 2011

Introduced by M. of A. BING, LINARES, MARKEY -- Multi-Sponsored by -- M. of A. BOYLAND, SIMOTAS -- read once and referred to the Committee on Real Property Taxation -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

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 ASSEMBLY, 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

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

LBD00699-03-1

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

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

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

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

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

38 S 3. Subdivision 3 of section 1805 of the real property tax law, as
39 amended by chapter 143 of the laws of 1989, and as further amended by
40 subdivision (b) of section 1 of part W of chapter 56 of the laws of
41 2010, is amended to read as follows:

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

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

20 S 4. This act shall take effect immediately and shall be applicable to
21 assessment rolls with a taxable status date following such effective
22 date.