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

4530

2011-2012 Regular Sessions

I N A S S E M B L Y

February 4, 2011

Introduced by M. of A. CROUCH, BURLING, FINCH, GIGLIO, OAKS -- read once and referred to the Committee on Environmental Conservation

AN ACT to amend the environmental conservation law and the real property tax law, in relation to providing for a real property tax abatement for land subject to freshwater wetland regulation

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

Section 1. Section 24-0905 of the environmental conservation law, as amended by chapter 654 of the laws of 1977, is amended to read as follows:

S 24-0905. Tax abatement.

Any freshwater wetland subject to land use regulations pursuant to section 24-0903 of this [article] TITLE or subject to a cooperative agreement pursuant to section 24-0901 of this [article] TITLE shall be deemed subject to a limitation on the use of such wetlands for the purposes of REAL property tax evaluation, in the same manner as if an easement or right had been acquired pursuant to the general municipal law. [Assessed] THE ASSESSED value OF SUCH FRESHWATER WETLAND shall be based, during the duration of such agreement or regulations, on the uses remaining to the owner thereof AS DETERMINED BY THE ASSESSING UNIT, AS DEFINED IN SECTION ONE HUNDRED TWO OF THE REAL PROPERTY TAX LAW, PURSUANT TO RULES AND REGULATIONS PROMULGATED BY THE COMMISSIONER OF TAXATION AND FINANCE. THE TAX ABATEMENT PROVIDED BY THIS SECTION SHALL ONLY BE GRANTED UPON SUBMISSION TO THE ASSESSING UNIT OF AN APPLICATION THEREFOR, IN SUCH FORM AS SHALL BE ESTABLISHED BY THE COMMISSIONER OF TAXATION AND FINANCE.

S 2. The environmental conservation law is amended by adding a new section 24-0907 to read as follows:

S 24-0907. EFFECT OF TAX ABATEMENT.

THE TOTAL REAL PROPERTY TAX SAVINGS PROVIDED BY EACH REAL PROPERTY TAX AUTHORITY PURSUANT TO SECTION 24-0905 OF THIS TITLE SHALL BE A STATE

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

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CHARGE WHICH SHALL BE PAYABLE BY THE DEPARTMENT PURSUANT TO INFORMATION PROVIDED BY AND SUBJECT TO A PROCEDURE ESTABLISHED BY THE COMMISSIONER OF TAXATION AND FINANCE.

S 3. Subdivision 4 of section 202 of the real property tax law is renumbered subdivision 5 and a new subdivision 4 is added to read as follows:

4. (A) THE COMMISSIONER SHALL PROMULGATE A STATEWIDE STANDARD APPLICATION FORM FOR THE TAX ABATEMENT FOR FRESHWATER WETLANDS GRANTED PURSUANT TO SECTION 24-0905 OF THE ENVIRONMENTAL CONSERVATION LAW. SUCH FORM SHALL INCLUDE ALL SUCH INFORMATION AS THE COMMISSIONER SHALL DETERMINE IS NECESSARY FOR AN ASSESSING UNIT TO DETERMINE THE AMOUNT OF SUCH TAX ABATEMENT ON THE APPROPRIATE FRESHWATER WETLAND.

(B) THE COMMISSIONER SHALL PROMULGATE RULES AND REGULATIONS PROVIDING FOR THE DETERMINATION OF THE TAX ABATEMENTS TO BE GRANTED TO FRESHWATER WETLANDS BY ASSESSING UNITS PURSUANT TO SECTION 24-0905 OF THE ENVIRONMENTAL CONSERVATION LAW.

S 4. This act shall take effect immediately; except that sections one and two of this act shall take effect on the first of January next succeeding the date on which it shall have become a law and shall apply to real property with a taxable status date on or after such date.