

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

9103--C

I N A S S E M B L Y

January 20, 2012

Introduced by M. of A. FINCH -- read once and referred to the Committee on Real Property Taxation -- 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 a partial tax exemption for reconstruction, alteration or improvement of residential structures in cities with a certain population

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 421-ff to read as follows:
3 S 421-FF. EXEMPTION OF CAPITAL IMPROVEMENTS TO RESIDENTIAL BUILDINGS
4 IN CITIES WITH A POPULATION BETWEEN TWENTY-SEVEN THOUSAND FIVE HUNDRED
5 AND TWENTY-EIGHT THOUSAND BASED UPON THE TWO THOUSAND TEN FEDERAL
6 CENSUS. 1. RESIDENTIAL BUILDINGS WHICH HAVE BEEN RECONSTRUCTED, ALTERED
7 OR IMPROVED SUBSEQUENT TO THE EFFECTIVE DATE OF A LOCAL LAW PURSUANT TO
8 THIS SECTION SHALL BE EXEMPT FROM TAXATION AND SPECIAL AD VALOREM LEVIES
9 TO THE EXTENT PROVIDED HEREINAFTER IN CITIES WITH A POPULATION BETWEEN
10 TWENTY-SEVEN THOUSAND FIVE HUNDRED AND TWENTY-EIGHT THOUSAND BASED UPON
11 THE TWO THOUSAND TEN FEDERAL CENSUS. FOR PURPOSES OF THIS SECTION,
12 "RECONSTRUCTION", "ALTERATION" OR "IMPROVEMENT" SHALL NOT INCLUDE ORDI-
13 NARY MAINTENANCE AND REPAIRS. AFTER A PUBLIC HEARING, THE GOVERNING
14 BOARD OF A CITY WITH SUCH A POPULATION MAY ADOPT A LOCAL LAW TO GRANT
15 THE EXEMPTION AUTHORIZED PURSUANT TO THIS SECTION. A COPY OF SUCH LOCAL
16 LAW SHALL BE FILED WITH THE COMMISSIONER AND THE ASSESSOR OF SUCH CITY
17 WHO PREPARES THE ASSESSMENT ROLL ON WHICH THE TAXES OF SUCH CITY ARE
18 LEVIED.
19 2. SUCH BUILDINGS SHALL BE EXEMPT FOR A PERIOD OF TWO YEARS TO THE
20 EXTENT OF ONE HUNDRED PER CENTUM OF THE INCREASE IN ASSESSED VALUE THER-
21 EOF ATTRIBUTABLE TO SUCH RECONSTRUCTION, ALTERATIONS OR IMPROVEMENTS AND
22 FOR AN ADDITIONAL PERIOD OF FOUR YEARS SUBJECT TO THE FOLLOWING:

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

LBD10226-10-2

1 (A) THE EXTENT OF SUCH EXEMPTION SHALL BE DECREASED BY TWENTY PER
2 CENTUM OF THE "EXEMPTION BASE" EACH YEAR DURING SUCH ADDITIONAL
3 FOUR-YEAR PERIOD, SUCH THAT DURING YEAR THREE THERE SHALL BE AN
4 EXEMPTION OF EIGHTY PER CENTUM OF THE INCREASE IN ASSESSED VALUE THEREOF
5 ATTRIBUTABLE, DURING YEAR FOUR THERE SHALL BE AN EXEMPTION OF SIXTY PER
6 CENTUM OF THE INCREASE IN ASSESSED VALUE THEREOF ATTRIBUTABLE, IN YEAR
7 FIVE THERE SHALL BE AN EXEMPTION OF FORTY PER CENTUM OF THE INCREASE IN
8 ASSESSED VALUE THEREOF ATTRIBUTABLE AND IN YEAR SIX THERE SHALL BE AN
9 EXEMPTION OF TWENTY PER CENTUM OF THE INCREASE IN ASSESSED VALUE THEREOF
10 ATTRIBUTABLE; AND

11 (B) THE "EXEMPTION BASE" SHALL BE THE INCREASE IN ASSESSED VALUE DUE
12 TO IMPROVEMENTS AS DETERMINED BY THE ASSESSOR IN THE INITIAL YEAR OF
13 SUCH SIX-YEAR PERIOD FOLLOWING THE FILING OF AN ORIGINAL APPLICATION.

14 3. THERE SHALL BE ENHANCED BENEFITS FOR IMPROVEMENT TO REAL PROPERTY
15 MEETING CERTIFICATION STANDARDS FOR GREEN BUILDINGS. SUCH RESIDENTIAL
16 REAL PROPERTY THAT HAS BEEN RECONSTRUCTED, ALTERED OR IMPROVED THAT IS
17 CERTIFIED UNDER A CERTIFICATION STANDARD APPROVED BY THE CITY WHICH IS
18 DETERMINED TO BE EQUIVALENT TO THE LEADERSHIP IN ENERGY AND ENVIRON-
19 MENTAL DESIGN (LEED) CERTIFICATION FOR THE CATEGORIES OF
20 CERTIFIED/SILVER, GOLD OR PLATINUM AS MEETING GREEN BUILDING STANDARDS
21 SHALL BE EXEMPT FOR THE FOLLOWING PERCENTAGES, PROVIDED THAT A COPY OF
22 THE CERTIFICATION FOR A QUALIFIED CATEGORY IS FILED WITH THE ASSESSOR OF
23 SUCH CITY AND THE ASSESSOR APPROVES THE APPLICATION FOR THE APPLICABLE
24 CATEGORY AS MEETING THE REQUIREMENTS OF THIS SECTION AND THE LOCAL LAW
25 OF SUCH CITY:

26 (A) CERTIFIED/SILVER CERTIFICATION STANDARD. SUCH BUILDINGS SHALL BE
27 EXEMPT FOR A PERIOD OF THREE YEARS TO THE EXTENT OF ONE HUNDRED PER
28 CENTUM OF THE INCREASE IN ASSESSED VALUE THEREOF ATTRIBUTABLE TO SUCH
29 RECONSTRUCTION, ALTERATION OR IMPROVEMENT AND FOR AN ADDITIONAL PERIOD
30 OF FOUR YEARS. THE EXTENT OF SUCH EXEMPTION SHALL BE DECREASED BY TWEN-
31 TY PER CENTUM OF THE "EXEMPTION BASE" EACH YEAR DURING SUCH ADDITIONAL
32 FOUR-YEAR PERIOD SUCH THAT DURING YEAR FOUR THERE SHALL BE AN EXEMPTION
33 OF EIGHTY PER CENTUM OF THE INCREASE IN ASSESSED VALUE THEREOF ATTRIBUT-
34 ABLE, DURING YEAR FIVE THERE SHALL BE AN EXEMPTION OF SIXTY PER CENTUM
35 OF THE INCREASE IN ASSESSED VALUE THEREOF ATTRIBUTABLE, IN YEAR SIX
36 THERE SHALL BE AN EXEMPTION OF FORTY PER CENTUM OF THE INCREASE IN
37 ASSESSED VALUE THEREOF ATTRIBUTABLE AND IN YEAR SEVEN THERE SHALL BE AN
38 EXEMPTION OF TWENTY PER CENTUM OF THE INCREASE IN ASSESSED VALUE THEREOF
39 ATTRIBUTABLE. THE "EXEMPTION BASE" SHALL BE THE INCREASE IN ASSESSED
40 VALUE DUE TO IMPROVEMENTS AS DETERMINED BY THE ASSESSOR IN THE INITIAL
41 YEAR OF SUCH SEVEN-YEAR PERIOD FOLLOWING THE FILING OF AN ORIGINAL
42 APPLICATION;

43 (B) GOLD STANDARD. SUCH BUILDINGS SHALL BE EXEMPT FOR A PERIOD OF FOUR
44 YEARS TO THE EXTENT OF ONE HUNDRED PER CENTUM OF THE INCREASE IN
45 ASSESSED VALUE THEREOF ATTRIBUTABLE TO SUCH RECONSTRUCTION, ALTERATION
46 OR IMPROVEMENT AND FOR AN ADDITIONAL PERIOD OF FOUR YEARS. THE EXTENT OF
47 SUCH EXEMPTION SHALL BE DECREASED BY TWENTY PER CENTUM OF THE "EXEMPTION
48 BASE" EACH YEAR DURING SUCH ADDITIONAL FOUR-YEAR PERIOD SUCH THAT DURING
49 YEAR FIVE THERE SHALL BE AN EXEMPTION OF EIGHTY PER CENTUM OF THE
50 INCREASE IN ASSESSED VALUE THEREOF ATTRIBUTABLE, DURING YEAR SIX THERE
51 SHALL BE AN EXEMPTION OF SIXTY PER CENTUM OF THE INCREASE IN ASSESSED
52 VALUE THEREOF ATTRIBUTABLE, IN YEAR SEVEN THERE SHALL BE AN EXEMPTION OF
53 FORTY PER CENTUM OF THE INCREASE IN ASSESSED VALUE THEREOF ATTRIBUTABLE
54 AND IN YEAR EIGHT THERE SHALL BE AN EXEMPTION OF TWENTY PER CENTUM OF
55 THE INCREASE IN ASSESSED VALUE THEREOF ATTRIBUTABLE. THE "EXEMPTION
56 BASE" SHALL BE THE INCREASE IN ASSESSED VALUE DUE TO IMPROVEMENTS AS

1 DETERMINED BY THE ASSESSOR IN THE INITIAL YEAR OF SUCH EIGHT-YEAR PERIOD
2 FOLLOWING THE FILING OF AN ORIGINAL APPLICATION; OR

3 (C) PLATINUM STANDARD. SUCH BUILDINGS SHALL BE EXEMPT FOR A PERIOD OF
4 SIX YEARS TO THE EXTENT OF ONE HUNDRED PER CENTUM OF THE INCREASE IN
5 ASSESSED VALUE THEREOF ATTRIBUTABLE TO SUCH RECONSTRUCTION, ALTERATION
6 OR IMPROVEMENT AND FOR AN ADDITIONAL PERIOD OF FOUR YEARS. THE EXTENT OF
7 SUCH EXEMPTION SHALL BE DECREASED BY TWENTY PER CENTUM OF THE "EXEMPTION
8 BASE" EACH YEAR DURING SUCH ADDITIONAL FOUR-YEAR PERIOD SUCH THAT DURING
9 YEAR SEVEN THERE SHALL BE AN EXEMPTION OF EIGHTY PER CENTUM OF THE
10 INCREASE IN ASSESSED VALUE THEREOF ATTRIBUTABLE, DURING YEAR EIGHT THERE
11 SHALL BE AN EXEMPTION OF SIXTY PER CENTUM OF THE INCREASE IN ASSESSED
12 VALUE THEREOF ATTRIBUTABLE, IN YEAR NINE THERE SHALL BE AN EXEMPTION OF
13 FORTY PER CENTUM OF THE INCREASE IN ASSESSED VALUE THEREOF ATTRIBUTABLE
14 AND IN YEAR TEN THERE SHALL BE AN EXEMPTION OF TWENTY PER CENTUM OF THE
15 INCREASE IN ASSESSED VALUE THEREOF ATTRIBUTABLE. THE "EXEMPTION BASE"
16 SHALL BE THE INCREASE IN ASSESSED VALUE DUE TO IMPROVEMENTS AS DETER-
17 MINED BY THE ASSESSOR IN THE INITIAL YEAR OF SUCH TEN-YEAR PERIOD
18 FOLLOWING THE FILING OF AN ORIGINAL APPLICATION.

19 4. EXEMPTIONS GRANTED PURSUANT TO THIS SECTION SHALL APPLY TO REAL
20 PROPERTY TAXES IMPOSED FOR CITY PURPOSES.

21 5. NO SUCH EXEMPTION SHALL BE GRANTED UNLESS:

22 (A) SUCH RECONSTRUCTION, ALTERATION OR IMPROVEMENT WAS COMMENCED
23 SUBSEQUENT TO THE EFFECTIVE DATE OF THE LOCAL LAW OR RESOLUTION ADOPTED
24 PURSUANT TO SUBDIVISION ONE OF THIS SECTION;

25 (B) THE VALUE OF SUCH RECONSTRUCTION, ALTERATION OR IMPROVEMENT
26 EXCEEDS THE SUM OF SEVENTY-FIVE HUNDRED DOLLARS; AND

27 (C) SUCH RECONSTRUCTION, ALTERATION OR IMPROVEMENT IS DOCUMENTED BY A
28 BUILDING PERMIT, IF REQUIRED, FOR THE IMPROVEMENTS OR OTHER APPROPRIATE
29 DOCUMENTATION AS REQUIRED BY THE CITY ASSESSOR.

30 6. SUCH EXEMPTION SHALL BE GRANTED ONLY UPON APPLICATION BY THE OWNER
31 OF SUCH BUILDING ON A FORM PRESCRIBED BY THE COMMISSIONER. SUCH APPLICA-
32 TION SHALL BE FILED WITH THE ASSESSOR OF A CITY WITH A POPULATION OF NOT
33 LESS THAN TWENTY-SEVEN THOUSAND FIVE HUNDRED AND NOT MORE THAN
34 TWENTY-EIGHT THOUSAND ON OR BEFORE THE APPROPRIATE TAXABLE STATUS DATE
35 OF SUCH CITY AND WITHIN ONE YEAR AFTER THE DATE OF COMPLETION OF SUCH
36 RECONSTRUCTION, ALTERATION OR IMPROVEMENT.

37 7. IF SATISFIED THAT THE APPLICANT IS ENTITLED TO AN EXEMPTION PURSU-
38 ANT TO THIS SECTION, THE CITY ASSESSOR SHALL APPROVE THE APPLICATION AND
39 SUCH BUILDING SHALL THEREAFTER BE EXEMPT FROM TAXATION AND SPECIAL AD-
40 VALOREM LEVIES BY THE CITY AS PROVIDED IN THIS SECTION COMMENCING WITH
41 THE ASSESSMENT ROLL PREPARED ON THE BASIS OF THE TAXABLE STATUS DATE
42 REFERRED TO IN SUBDIVISION SIX OF THIS SECTION. THE ASSESSOR SHALL ENTER
43 THE ASSESSED VALUE OF ANY EXEMPTION GRANTED PURSUANT TO THIS SECTION ON
44 THE ASSESSMENT ROLL FOR THE TAXABLE PROPERTY, WITH THE AMOUNT OF THE
45 EXEMPTION SHOWN IN A SEPARATE COLUMN. IN ANY CASE WHERE THERE IS AN
46 ENHANCED EXEMPTION BENEFIT BASED ON A CERTIFICATION OF CERTIFIED/SILVER,
47 GOLD OR PLATINUM LEED STANDARDS IN ACCORDANCE WITH APPLICABLE CERTIF-
48 ICATION STANDARDS APPROVED BY THE CITY, A COPY OF SUCH CERTIFICATION
49 SHALL BE FILED IN THE SUBJECT REAL PROPERTY FILE.

50 8. IN THE EVENT THAT REAL PROPERTY GRANTED AN EXEMPTION PURSUANT TO
51 THIS SECTION CEASES TO BE USED PRIMARILY FOR RESIDENTIAL PURPOSES, THE
52 EXEMPTION GRANTED PURSUANT TO THIS SECTION SHALL CEASE.

53 S 2. This act shall take effect immediately.