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

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I N A S S E M B L Y

April 26, 2012

Introduced by M. of A. MAGEE -- (at request of the Department of Agriculture and Markets) -- read once and referred to the Committee on Agriculture

AN ACT to amend the agriculture and markets law, in relation to viable agricultural land and renewal of agricultural assessments

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

Section 1. Subdivision 7 of section 301 of the agriculture and markets law, as amended by chapter 797 of the laws of 1992, is amended to read as follows:

7. "Viable agricultural land" means land highly suitable for [agricultural production and which will continue to be economically feasible for such use if real property taxes, farm use restrictions, and speculative activities are limited to levels approximating those in commercial agricultural areas not influenced by the proximity of non-agricultural development] A FARM OPERATION AS DEFINED IN THIS SECTION.

S 2. Paragraph a of subdivision 1 of section 305 of the agriculture and markets law, as amended by chapter 514 of the laws of 2007 and as further amended by subdivision (d) of section 1 of part W of chapter 56 of the laws of 2010, is amended to read as follows:

a. Any owner of land used in agricultural production within an agricultural district shall be eligible for an agricultural assessment pursuant to this section. If an applicant rents land from another for use in conjunction with the applicant's land for the production for sale of crops, livestock or livestock products, the gross sales value of such products produced on such rented land shall be added to the gross sales value of such products produced on the land of the applicant for purposes of determining eligibility for an agricultural assessment on the land of the applicant. Such assessment shall be granted only upon an annual application by the owner of such land on a form prescribed by the commissioner of taxation and finance; PROVIDED, HOWEVER, THAT AFTER THE INITIAL GRANT OF AGRICULTURAL ASSESSMENT THE ANNUAL APPLICATION SHALL BE ON A FORM PRESCRIBED BY THE COMMISSIONER OF TAXATION AND FINANCE AND SHALL CONSIST OF ONLY A CERTIFICATION BY THE LANDOWNER THAT THE LANDOWN-

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

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ER CONTINUES TO MEET THE ELIGIBILITY REQUIREMENTS FOR RECEIVING AN AGRICULTURAL ASSESSMENT AND SEEKS AN AGRICULTURAL ASSESSMENT FOR THE SAME ACREAGE THAT INITIALLY RECEIVED AN AGRICULTURAL ASSESSMENT. THE LANDOWNER SHALL MAINTAIN RECORDS DOCUMENTING SUCH ELIGIBILITY WHICH SHALL BE PROVIDED TO THE ASSESSOR UPON REQUEST. THE LANDOWNER MUST APPLY FOR AGRICULTURAL ASSESSMENT FOR ANY CHANGE IN ACREAGE, WHETHER LAND IS ADDED OR REMOVED, AFTER THE INITIAL GRANT OF AGRICULTURAL ASSESSMENT. ANY NEW OWNER OF THE LAND WHO WISHES TO RECEIVE AN AGRICULTURAL ASSESSMENT SHALL MAKE AN INITIAL APPLICATION FOR SUCH ASSESSMENT. SUCH APPLICATIONS SHALL BE ON A FORM PRESCRIBED BY THE COMMISSIONER OF TAXATION AND FINANCE. The applicant shall furnish to the assessor such information as the commissioner of taxation and finance shall require, including classification information prepared for the applicant's land or water bodies used in agricultural production by the soil and water conservation district office within the county, and information demonstrating the eligibility for agricultural assessment of any land used in conjunction with rented land as specified in paragraph b of subdivision four of section three hundred one of this article. Such application shall be filed with the assessor of the assessing unit on or before the appropriate taxable status date; provided, however, that (i) in the year of a revaluation or update of assessments, as those terms are defined in section one hundred two of the real property tax law, the application may be filed with the assessor no later than the thirtieth day prior to the day by which the tentative assessment roll is required to be filed by law; or (ii) an application for such an assessment may be filed with the assessor of the assessing unit after the appropriate taxable status date but not later than the last date on which a petition with respect to complaints of assessment may be filed, where failure to file a timely application resulted from: (a) a death of the applicant's spouse, child, parent, brother or sister, (b) an illness of the applicant or of the applicant's spouse, child, parent, brother or sister, which actually prevents the applicant from filing on a timely basis, as certified by a licensed physician, or (c) the occurrence of a natural disaster, including, but not limited to, a flood, or the destruction of such applicant's residence, barn or other farm building by wind, fire or flood. If the assessor is satisfied that the applicant is entitled to an agricultural assessment, the assessor shall approve the application and the land shall be assessed pursuant to this section. Not less than ten days prior to the date for hearing complaints in relation to assessments, the assessor shall mail to each applicant, who has included with the application at least one self-addressed, pre-paid envelope, a notice of the approval or denial of the application. Such notice shall be on a form prescribed by the commissioner of taxation and finance which shall indicate the manner in which the total assessed value is apportioned among the various portions of the property subject to agricultural assessment and those other portions of the property not eligible for agricultural assessment as determined for the tentative assessment roll and the latest final assessment roll. Failure to mail any such notice or failure of the owner to receive the same shall not prevent the levy, collection and enforcement of the payment of the taxes on such real property.

S 3. This act shall take effect immediately.