

5208--C

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I N S E N A T E

May 3, 2011

Introduced by Sen. NOZZOLIO -- read twice and ordered printed, and when printed to be committed to the Committee on Housing, Construction and Community Development -- recommitted to the Committee on Housing, Construction and Community Development in accordance with Senate Rule 6, sec. 8 -- reported favorably from said committee, ordered to first and second report, ordered to a third reading, amended and ordered reprinted, retaining its place in the order of third reading -- again amended and ordered reprinted, retaining its place in the order of third reading -- passed by Senate and delivered to the Assembly, recalled, vote reconsidered, restored to third reading, amended and ordered reprinted, retaining its place in the order of third reading

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

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

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1 LAW SHALL BE FILED WITH THE COMMISSIONER AND THE ASSESSOR OF SUCH CITY
2 WHO PREPARES THE ASSESSMENT ROLL ON WHICH THE TAXES OF SUCH CITY ARE
3 LEVIED.

4 2. SUCH BUILDINGS SHALL BE EXEMPT FOR A PERIOD OF TWO YEARS TO THE
5 EXTENT OF ONE HUNDRED PER CENTUM OF THE INCREASE IN ASSESSED VALUE THERE-
6 EOF ATTRIBUTABLE TO SUCH RECONSTRUCTION, ALTERATIONS OR IMPROVEMENTS AND
7 FOR AN ADDITIONAL PERIOD OF FOUR YEARS SUBJECT TO THE FOLLOWING:

8 (A) THE EXTENT OF SUCH EXEMPTION SHALL BE DECREASED BY TWENTY PER
9 CENTUM OF THE "EXEMPTION BASE" EACH YEAR DURING SUCH ADDITIONAL
10 FOUR-YEAR PERIOD, SUCH THAT DURING YEAR THREE THERE SHALL BE AN
11 EXEMPTION OF EIGHTY PER CENTUM OF THE INCREASE IN ASSESSED VALUE THEREOF
12 ATTRIBUTABLE, DURING YEAR FOUR THERE SHALL BE AN EXEMPTION OF SIXTY PER
13 CENTUM OF THE INCREASE IN ASSESSED VALUE THEREOF ATTRIBUTABLE, IN YEAR
14 FIVE THERE SHALL BE AN EXEMPTION OF FORTY PER CENTUM OF THE INCREASE IN
15 ASSESSED VALUE THEREOF ATTRIBUTABLE AND IN YEAR SIX THERE SHALL BE AN
16 EXEMPTION OF TWENTY PER CENTUM OF THE INCREASE IN ASSESSED VALUE THEREOF
17 ATTRIBUTABLE; AND

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

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

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

50 (B) GOLD STANDARD. SUCH BUILDINGS SHALL BE EXEMPT FOR A PERIOD OF FOUR
51 YEARS TO THE EXTENT OF ONE HUNDRED PER CENTUM OF THE INCREASE IN
52 ASSESSED VALUE THEREOF ATTRIBUTABLE TO SUCH RECONSTRUCTION, ALTERATION
53 OR IMPROVEMENT AND FOR AN ADDITIONAL PERIOD OF FOUR YEARS. THE EXTENT OF
54 SUCH EXEMPTION SHALL BE DECREASED BY TWENTY PER CENTUM OF THE "EXEMPTION
55 BASE" EACH YEAR DURING SUCH ADDITIONAL FOUR-YEAR PERIOD SUCH THAT DURING
56 YEAR FIVE THERE SHALL BE AN EXEMPTION OF EIGHTY PER CENTUM OF THE

1 INCREASE IN ASSESSED VALUE THEREOF ATTRIBUTABLE, DURING YEAR SIX THERE
2 SHALL BE AN EXEMPTION OF SIXTY PER CENTUM OF THE INCREASE IN ASSESSED
3 VALUE THEREOF ATTRIBUTABLE, IN YEAR SEVEN THERE SHALL BE AN EXEMPTION OF
4 FORTY PER CENTUM OF THE INCREASE IN ASSESSED VALUE THEREOF ATTRIBUTABLE
5 AND IN YEAR EIGHT THERE SHALL BE AN EXEMPTION OF TWENTY PER CENTUM OF
6 THE INCREASE IN ASSESSED VALUE THEREOF ATTRIBUTABLE. THE "EXEMPTION
7 BASE" SHALL BE THE INCREASE IN ASSESSED VALUE DUE TO IMPROVEMENTS AS
8 DETERMINED BY THE ASSESSOR IN THE INITIAL YEAR OF SUCH EIGHT-YEAR PERIOD
9 FOLLOWING THE FILING OF AN ORIGINAL APPLICATION; OR

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

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

28 5. NO SUCH EXEMPTION SHALL BE GRANTED UNLESS:

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

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

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

37 6. SUCH EXEMPTION SHALL BE GRANTED ONLY UPON APPLICATION BY THE OWNER
38 OF SUCH BUILDING ON A FORM PRESCRIBED BY THE COMMISSIONER. SUCH APPLICA-
39 TION SHALL BE FILED WITH THE ASSESSOR OF A CITY WITH A POPULATION OF NOT
40 LESS THAN TWENTY-SEVEN THOUSAND FIVE HUNDRED AND NOT MORE THAN
41 TWENTY-EIGHT THOUSAND ON OR BEFORE THE APPROPRIATE TAXABLE STATUS DATE
42 OF SUCH CITY AND WITHIN ONE YEAR AFTER THE DATE OF COMPLETION OF SUCH
43 RECONSTRUCTION, ALTERATION OR IMPROVEMENT.

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

1 8. IN THE EVENT THAT REAL PROPERTY GRANTED AN EXEMPTION PURSUANT TO
2 THIS SECTION CEASES TO BE USED PRIMARILY FOR RESIDENTIAL PURPOSES, THE
3 EXEMPTION GRANTED PURSUANT TO THIS SECTION SHALL CEASE.
4 S 2. This act shall take effect immediately.