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I N S E N A T E

March 8, 2012

Introduced by Sen. GRISANTI -- read twice and ordered printed, and when printed to be committed to the Committee on Local Government

AN ACT to amend the real property tax law, in relation to establishing a green development home tax exemption

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 431 to read as follows:

3 S 431. GREEN DEVELOPMENT HOME TAX EXEMPTION. 1. THE LOCAL LEGISLATIVE
4 BODY OF ANY CITY, TOWN OR VILLAGE IS HEREBY AUTHORIZED AND EMPOWERED TO
5 ADOPT AND AMEND A LOCAL LAW TO PROVIDE THAT ANY REAL PROPERTY WHICH
6 SATISFIES THE REQUIREMENTS OF SUBDIVISION TWO OF THIS SECTION SHALL BE
7 GRANTED A REDUCED REAL PROPERTY TAX RATE AS SET FORTH IN SUBDIVISION
8 THREE OF THIS SECTION.

9 2. SUCH LOCAL LAW SHALL PROVIDE THAT FOR REAL PROPERTY TO QUALIFY FOR
10 THE EXEMPTION SET FORTH IN SUBDIVISION THREE OF THIS SECTION, SUCH REAL
11 PROPERTY SHALL BE A ONE, TWO OR THREE FAMILY RESIDENCE AND PART OF A
12 DEVELOPMENT THAT:

13 (A) IS EITHER (I) A GREEN DEVELOPMENT OR (II) LEED-ND CERTIFIED; AND
14 (B) CONTAINS HOMES, SEVENTY-FIVE PERCENT OF WHICH ARE CERTIFIED
15 SILVER.

16 3. SUCH LOCAL LAW SHALL PROVIDE THAT REAL PROPERTY THAT SATISFIES THE
17 CRITERIA SET FORTH IN SUBDIVISION TWO OF THIS SECTION SHALL BE PARTIALLY
18 EXEMPT FROM LOCAL REAL PROPERTY TAXATION FOR A PERIOD NOT TO EXCEED
19 TWENTY YEARS IN THE AGGREGATE AFTER THE TAXABLE STATUS DATE IMMEDIATELY
20 FOLLOWING THE SATISFACTION THEREOF, AS FOLLOWS: EXEMPTION FROM
21 THIRTY-FIVE PERCENT OF SUCH TAXATION.

22 4. (A) UPON SUCCESSFUL LEED CERTIFICATION OR NAHB CERTIFICATION, A
23 DEVELOPER SHALL NOTIFY THE TAX ASSESSOR OF ANY ASSESSING UNIT THAT SUCH
24 DEVELOPMENT SATISFIES THE REQUIREMENTS SET FORTH IN SUBDIVISION TWO OF
25 THIS SECTION AND THAT ALL REAL PROPERTY LOCATED WITHIN SUCH DEVELOPMENT
26 SHALL BE GRANTED A REDUCED REAL PROPERTY TAX RATE AS SET FORTH IN SUBDI-
27 VISION THREE OF THIS SECTION.

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

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1 (B) AN EXEMPTION GRANTED PURSUANT TO THIS SECTION SHALL COMMENCE AS OF
2 THE DATE OF THE NOTIFICATION OF THE TAX ASSESSOR, AND SHALL TERMINATE
3 UPON THE EXPIRATION OR TERMINATION OF THE CERTIFICATIONS REQUIRED PURSU-
4 ANT TO SUBDIVISION TWO OF THIS SECTION.

5 5. FOR THE PURPOSES OF THIS SECTION, THE FOLLOWING TERMS SHALL HAVE
6 THE FOLLOWING MEANINGS:

7 (A) "CERTIFIED SILVER" SHALL MEAN (I) CERTIFIED BY THE NAHB NATIONAL
8 GREEN BUILDING CERTIFICATION PROGRAM AT A PERFORMANCE POINT LEVEL OF
9 SILVER OR BETTER, OR (II) LEED FOR NEW CONSTRUCTION CERTIFIED SILVER OR
10 BETTER.

11 (B) "DEVELOPMENT" SHALL MEAN A NEIGHBORHOOD OR COMMUNITY OF NEW ONE,
12 TWO OR THREE FAMILY RESIDENCES WHICH SHALL INCLUDE ALL STREETS, LOTS AND
13 COMMON AREAS.

14 (C) "GREEN DEVELOPMENT" SHALL MEAN A DEVELOPMENT WITH A PERFORMANCE
15 POINT LEVEL OF FOUR STARS AS RATED BY THE NAHB.

16 (D) "LEED" SHALL MEAN THE UNITED STATES GREEN BUILDING COUNCIL LEADER-
17 SHIP IN ENERGY AND ENVIRONMENTAL DESIGN RATING SYSTEM.

18 (E) "LEED-ND" SHALL MEAN LEED FOR NEIGHBORHOOD DEVELOPMENT.

19 (F) "NAHB" SHALL MEAN THE NATIONAL ASSOCIATION OF HOME BUILDERS.

20 S 2. This act shall take effect on the one hundred twentieth day after
21 it shall have become a law. Effective immediately, the addition, amend-
22 ment and/or repeal of any rule or regulation necessary for the implemen-
23 tation of this act on its effective date is authorized to be made on or
24 before such date.