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

May 2, 2012

Introduced by M. of A. SILVER, GOTTFRIED, FARRELL, DINOWITZ, O'DONNELL, PERRY, MARKEY -- Multi-Sponsored by -- M. of A. BRAUNSTEIN, BRENNAN, CLARK, COLTON, CYMBROWITZ, GLICK, HEASTIE, HIKIND, V. LOPEZ, MILLMAN, NOLAN, ORTIZ, SCARBOROUGH, WEINSTEIN -- read once and referred to the Committee on Real Property Taxation

AN ACT to amend the real property tax law, in relation to partial abatement of real property taxes

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

Section 1. Subparagraph (xvi) of paragraph (c) of subdivision 2 of section 467-a of the real property tax law, as added by chapter 109 of he laws of 2008, is amended and four new subparagraphs (xvii), (xviii), (xix) and (xx) are added to read as follows:

(xvi) twenty-five percent in the fiscal year commencing in calendar year two thousand eleven[.];

(XVII) TWENTY-FIVE PERCENT IN THE FISCAL YEAR COMMENCING IN CALENDAR YEAR TWO THOUSAND TWELVE;

(XVIII) TWENTY-FIVE PERCENT IN THE FISCAL YEAR COMMENCING IN CALENDAR YEAR TWO THOUSAND THIRTEEN;

(XIX) TWENTY-FIVE PERCENT IN THE FISCAL YEAR COMMENCING IN CALENDAR YEAR TWO THOUSAND FOURTEEN;

(XX) TWENTY-FIVE PERCENT IN THE FISCAL YEAR COMMENCING IN CALENDAR YEAR TWO THOUSAND FIFTEEN.

S 2. Subparagraph (xvi) of paragraph (d) of subdivision 2 of section 467-a of the real property tax law, as added by chapter 109 of the laws of 2008, is amended and four new subparagraphs (xvii), (xviii), (xix) and (xx) are added to read as follows:

(xvi) seventeen and one-half percent in the fiscal year commencing in calendar year two thousand eleven[.];

(XVII) SEVENTEEN AND ONE-HALF PERCENT IN THE FISCAL YEAR COMMENCING IN CALENDAR YEAR TWO THOUSAND TWELVE;

(XVIII) SEVENTEEN AND ONE-HALF PERCENT IN THE FISCAL YEAR COMMENCING IN CALENDAR YEAR TWO THOUSAND THIRTEEN;

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

LBD15543-01-2

(XIX) SEVENTEEN AND ONE-HALF PERCENT IN THE FISCAL YEAR COMMENCING IN CALENDAR YEAR TWO THOUSAND FOURTEEN;

(XX) SEVENTEEN AND ONE-HALF PERCENT IN THE FISCAL YEAR COMMENCING IN CALENDAR YEAR TWO THOUSAND FIFTEEN.

S 3. Paragraphs (a) and (c) of subdivision 3 of section 467-a of the real property tax law, as amended by chapter 109 of the laws of 2008, are amended to read as follows:

(a) An application for an abatement pursuant to this section for the fiscal year commencing in calendar year nineteen hundred ninety-six shall be made no later than the fifteenth day of September, nineteen hundred ninety-six. An application for an abatement pursuant to this section for the fiscal year commencing in calendar year nineteen hundred ninety-seven shall be made no later than the first day of April, nineteen hundred ninety-seven. An application for an abatement pursuant to this section for the fiscal year commencing in calendar year nineteen hundred ninety-eight shall be made no later than the first day of April, nineteen hundred ninety-eight. An application for an abatement pursuant to this section for the fiscal year commencing in calendar year nineteen hundred ninety-nine shall be made in accordance with this subdivision and subdivision three-a of this section. An application for an abatement pursuant to this section for the fiscal year commencing in calendar year two thousand shall be made no later than the fifteenth day of February, two thousand. An application for an abatement pursuant to this section for the fiscal year commencing in calendar year two thousand one shall be made in accordance with this subdivision and subdivision three-b of this section. An application for an abatement pursuant to this section for the fiscal year commencing in calendar year two thousand two shall be made no later than the fifteenth day of February, two thousand two. An application for an abatement pursuant to this section for the fiscal year commencing in calendar year two thousand three shall be made no later than the fifteenth day of February, two thousand three. An application for an abatement pursuant to this section for the fiscal year commencing in calendar year two thousand four shall be made in accordance with this subdivision and subdivision three-c of this section. An application for an abatement pursuant to this section for the fiscal year commencing in calendar year two thousand five shall be made no later than the fifteenth day of February, two thousand five. An application for an abatement pursuant to this section for the fiscal year commencing in calendar year two thousand six shall be made no later than the fifteenth day of February, two thousand six. An application for an abatement pursuant to this section for the fiscal year commencing in calendar year two thousand seven shall be made no later than the fifteenth day of February, two thousand seven. An application for abatement pursuant to this section for the fiscal year commencing in calendar year two thousand eight shall be made in accordance with this subdivision and subdivision three-d of this section. An application for an abatement pursuant to this section for the fiscal year commencing in calendar year two thousand nine shall be made no later than the fifteenth day of February, two thousand nine. An application for an abatement pursuant to this section for the fiscal year commencing in calendar year two thousand ten shall be made no later than the fifteenth day of February, two thousand ten. An application for an abatement pursuant to this section for the fiscal year commencing in calendar year two thousand eleven shall be made no later than the fifteenth day of February, two thousand eleven. AN APPLICATION FOR ABATEMENT PURSUANT TO THIS SECTION FOR THE FISCAL YEAR COMMENCING IN CALENDAR YEAR TWO THOU-

SAND TWELVE SHALL BE MADE IN ACCORDANCE WITH THIS SUBDIVISION AND SUBDIVISION THREE-E OF THIS SECTION. AN APPLICATION FOR AN ABATEMENT PURSUANT TO THIS SECTION FOR THE FISCAL YEAR COMMENCING IN CALENDAR YEAR TWO THOUSAND THIRTEEN SHALL BE MADE NO LATER THAN THE FIFTEENTH DAY OF FEBRUARY, TWO THOUSAND THIRTEEN. AN APPLICATION FOR AN ABATEMENT PURSUANT TO THIS SECTION FOR THE FISCAL YEAR COMMENCING IN CALENDAR YEAR TWO THOUSAND FOURTEEN SHALL BE MADE NO LATER THEN THE FIFTEENTH DAY OF FEBRUARY, TWO THOUSAND FOURTEEN. AN APPLICATION FOR AN ABATEMENT PURSUANT TO THIS SECTION FOR THE FISCAL YEAR COMMENCING IN CALENDAR YEAR TWO THOUSAND FIFTEEN SHALL BE MADE NO LATER THEN THE FIFTEENTH DAY OF FEBRUARY, TWO THOUSAND FIFTEEN.

(c) No abatement pursuant to this section shall be granted unless the applicant files an application for an abatement within the time periods prescribed in paragraph (a) of this subdivision or subdivision three-a, three-b, three-c [or], three-d OR THREE-E of this section, provided, however, that the commissioner of finance may, for good cause shown, extend the time for filing an application.

S 4. Paragraph (h) of subdivision 3 of section 467-a of the real property tax law, as amended by chapter 109 of the laws of 2008, is amended to read as follows:

(h) Notwithstanding any other provision of law to the contrary, application by the board of directors of a cooperative apartment corporation for an abatement pursuant to this section for either the fiscal year commencing in calendar year two thousand five or the fiscal year commencing in the calendar year two thousand six or the fiscal year commencing in the calendar year two thousand seven or the fiscal year commencing in the calendar year two thousand eight or the fiscal year commencing in the calendar year two thousand nine or the fiscal year commencing in the calendar year two thousand ten or the fiscal year commencing in the calendar year two thousand eleven OR THE FISCAL YEAR COMMENCING IN THE CALENDAR YEAR TWO THOUSAND TWELVE OR THE FISCAL YEAR COMMENCING IN THE CALENDAR YEAR TWO THOUSAND THIRTEEN OR THE FISCAL YEAR COMMENCING IN THE CALENDAR YEAR TWO THOUSAND FOURTEEN OR THE FISCAL YEAR COMMENCING IN THE CALENDAR YEAR TWO THOUSAND FIFTEEN shall be made by the filing of an information return pursuant to subdivision (g) of section 11-2105 of the administrative code of the city of New York, as added by local law number fifty-eight of the city of New York for the year nineteen hundred eighty-nine, including an election by such board of directors that such information return be deemed an application for an abatement pursuant to this section for such fiscal year, provided, however, that where the board of directors files an application on behalf of a cooperative apartment corporation that is not receiving an abatement pursuant to this section for the fiscal year immediately preceding the fiscal year for which the application is filed, then the board of directors shall be required to file, in addition to the information return pursuant to subdivision (g) of section 11-2105 of the administrative code of the city of New York, as added by local law number fifty-eight of the city of New York for the year nineteen hundred eighty-nine, any information return covering a reporting period beginning on or after January first, nineteen hundred ninety-six, that has not been filed previously. Information returns that are deemed to be applications for an abatement pursuant to this paragraph shall be subject to the provisions of this section relating to such applications including, but not limited to, the provisions of this subdivision and subdivision four of this section.

S 5. Section 467-a of the real property tax law is amended by adding a new subdivision 3-e to read as follows:

3-E. (A) AN APPLICANT WHOSE PROPERTY DID NOT RECEIVE AN ABATEMENT PURSUANT TO THIS SECTION FOR THE FISCAL YEAR COMMENCING IN CALENDAR YEAR TWO THOUSAND ELEVEN SHALL SUBMIT AN APPLICATION FOR AN ABATEMENT PURSUANT TO THIS SECTION FOR THE FISCAL YEAR COMMENCING IN CALENDAR YEAR TWO THOUSAND TWELVE NO LATER THAN SIXTY DAYS FOLLOWING THE EFFECTIVE DATE OF THIS SUBDIVISION.

(B) THE ABATEMENT FOR THE FISCAL YEAR COMMENCING IN CALENDAR YEAR TWO THOUSAND TWELVE OF A COOPERATIVE APARTMENT CORPORATION THAT RECEIVED AN ABATEMENT PURSUANT TO THIS SECTION FOR THE FISCAL YEAR COMMENCING IN CALENDAR YEAR TWO THOUSAND ELEVEN AND THAT SUBMITTED AN INFORMATION RETURN ON OR BEFORE FEBRUARY FIFTEENTH, TWO THOUSAND TWELVE, THAT INCLUDED AN ELECTION BY THE BOARD OF DIRECTORS OF SUCH COOPERATIVE APARTMENT CORPORATION THAT SUCH INFORMATION RETURN BE DEEMED AN APPLICATION FOR AN ABATEMENT PURSUANT TO THIS SECTION FOR SUCH FISCAL YEAR, SHALL BE BASED ON THE INFORMATION CONTAINED IN SUCH INFORMATION RETURN.

(C) THE ABATEMENT FOR THE FISCAL YEAR COMMENCING IN CALENDAR YEAR TWO THOUSAND TWELVE OF A COOPERATIVE APARTMENT CORPORATION THAT RECEIVED AN ABATEMENT PURSUANT TO THIS SECTION FOR THE FISCAL YEAR COMMENCING IN CALENDAR YEAR TWO THOUSAND ELEVEN AND THAT SUBMITTED AN INFORMATION RETURN ON OR BEFORE FEBRUARY FIFTEENTH, TWO THOUSAND TWELVE, THAT DID NOT INCLUDE AN ELECTION BY THE BOARD OF DIRECTORS OF SUCH COOPERATIVE APARTMENT CORPORATION THAT SUCH INFORMATION RETURN BE DEEMED AN APPLICATION FOR AN ABATEMENT PURSUANT TO THIS SECTION FOR SUCH FISCAL YEAR, SHALL BE BASED ON THE INFORMATION CONTAINED IN THE APPLICATION SUBMITTED IN TWO THOUSAND ELEVEN OR ON THE INFORMATION CONTAINED IN SUCH INFORMATION RETURN, OR BOTH, PROVIDED THAT NOTHING IN THIS PARAGRAPH SHALL AUTHORIZE OR REQUIRE THE COMMISSIONER OF FINANCE TO GRANT AN ABATEMENT WITH RESPECT TO A PROPERTY OR A DWELLING UNIT THAT IS NOT ELIGIBLE AS OF THE APPLICABLE TAXABLE STATUS DATE FOR THE FISCAL YEAR COMMENCING IN CALENDAR YEAR TWO THOUSAND TWELVE.

(D) THE BOARD OF MANAGERS OF A CONDOMINIUM THAT RECEIVED AN ABATEMENT PURSUANT TO THIS SECTION FOR THE FISCAL YEAR COMMENCING IN CALENDAR YEAR TWO THOUSAND ELEVEN SHALL SUBMIT AN APPLICATION FOR AN ABATEMENT PURSUANT TO THIS SECTION FOR THE FISCAL YEAR COMMENCING IN CALENDAR YEAR TWO THOUSAND TWELVE NO LATER THAN SIXTY DAYS FOLLOWING THE EFFECTIVE DATE OF THIS SUBDIVISION. IF SUCH BOARD OF MANAGERS DOES NOT SUBMIT SUCH APPLICATION WITHIN SIXTY DAYS FOLLOWING THE EFFECTIVE DATE OF THIS SUBDIVISION, THEN THE ABATEMENT FOR THE FISCAL YEAR COMMENCING IN CALENDAR YEAR TWO THOUSAND TWELVE FOR SUCH CONDOMINIUM SHALL BE BASED ON THE INFORMATION CONTAINED IN THE APPLICATION SUBMITTED IN TWO THOUSAND ELEVEN, PROVIDED THAT NOTHING IN THIS PARAGRAPH SHALL AUTHORIZE OR REQUIRE THE COMMISSIONER OF FINANCE TO GRANT AN ABATEMENT WITH RESPECT TO A PROPERTY OR A DWELLING UNIT THAT IS NOT ELIGIBLE AS OF THE APPLICABLE TAXABLE STATUS DATE FOR THE FISCAL YEAR COMMENCING IN CALENDAR YEAR TWO THOUSAND TWELVE.

S 6. The city of New York shall present a plan to the legislature, no later than February 1, 2016, containing recommendations to address the disparity in real property taxation between residential real property in class one and residential real property in class two held in the cooperative or condominium form of ownership.

S 7. This act shall take effect immediately.