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

1415--D

2011-2012 Regular Sessions

I N A S S E M B L Y

January 7, 2011

Introduced by M. of A. THIELE, GALEF, ENGLEBRIGHT, ROSENTHAL, CALHOUN, COLTON -- Multi-Sponsored by -- M. of A. MURRAY -- read once and referred to the Committee on Real Property Taxation -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee -- recommitted to the Committee on Real Property Taxation in accordance with Assembly Rule 3, sec. 2 -- reported and referred to the Committee on Ways and Means -- 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 authorizing a municipal corporation to provide a real property tax exemption for improvements to real property meeting certification standards for green buildings

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

Section 1. The real property tax law is amended by adding a new section 470 to read as follows:

S 470. EXEMPTION FOR IMPROVEMENTS TO REAL PROPERTY MEETING CERTIFICATION STANDARDS FOR GREEN BUILDINGS. 1. CONSTRUCTION OF IMPROVEMENTS TO REAL PROPERTY INITIATED ON OR AFTER THE FIRST DAY OF JANUARY, TWO THOUSAND THIRTEEN, MEETING LEED CERTIFICATION STANDARDS FOR GREEN BUILDINGS AS PROVIDED IN THIS SECTION, THE GREEN BUILDING INITIATIVE'S GREEN GLOBES RATING SYSTEM, THE AMERICAN NATIONAL STANDARDS INSTITUTE, OR SUBSTANTIALLY EQUIVALENT STANDARDS FOR CERTIFICATION USING A SIMILAR PROGRAM FOR GREEN BUILDINGS AS DETERMINED BY THE MUNICIPAL CORPORATION, SHALL BE EXEMPT FROM TAXATION BY ANY MUNICIPAL CORPORATION IN WHICH SUCH PROPERTY IS LOCATED TO THE EXTENT PROVIDED IN THIS SECTION, PROVIDED THE

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

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GOVERNING BOARD OF SUCH MUNICIPAL CORPORATION, AFTER CONDUCTING A PUBLIC HEARING, ADOPTS A LOCAL LAW, ORDINANCE OR RESOLUTION PROVIDING THEREFOR.

2. SUCH REAL PROPERTY, OR PORTION THEREOF, WHICH IS CERTIFIED UNDER A LEED CERTIFICATION STANDARD FOR THE CATEGORIES OF CERTIFIED, SILVER, GOLD OR PLATINUM AS MEETING GREEN BUILDING STANDARDS, AS DETERMINED BY A LEED ACCREDITED PROFESSIONAL SHALL BE EXEMPT AS PROVIDED BELOW FOR THE RESPECTIVE PERCENTAGES PROVIDED THAT A COPY OF THE LEED CERTIFICATION FOR A QUALIFIED CATEGORY IS FILED WITH THE ASSESSOR'S OFFICE AND IS APPROVED BY THE ASSESSOR AS MEETING THE REQUIREMENTS OF THIS SECTION AND THE MUNICIPAL CORPORATION'S LOCAL LAW, ORDINANCE OR RESOLUTION. SUCH EXEMPTION SHALL BE TO THE EXTENT OF ANY INCREASE IN ASSESSED VALUE RESULTING FROM THE CONSTRUCTION OR RECONSTRUCTION OF A PROPERTY MEETING LEED CERTIFICATION.

LEED EXEMPTION

YEAR	CERTIFIED/SILVER	GOLD	PLATINUM
1	100%	100%	100%
2	100%	100%	100%
3	100%	100%	100%
4	80%	100%	100%
5	60%	80%	100%
6	40%	60%	100%
7	20%	40%	80%
8	0%	20%	60%
9	0%	0%	40%
10	0%	0%	20%

3. NO SUCH EXEMPTION SHALL BE GRANTED UNLESS: (A) SUCH CONSTRUCTION OF IMPROVEMENTS WAS COMMENCED ON OR AFTER THE FIRST DAY OF JANUARY, TWO THOUSAND THIRTEEN, OR SUCH LATER DATE AS MAY BE SPECIFIED BY LOCAL LAW; (B) THE VALUE OF SUCH CONSTRUCTION EXCEEDS THE SUM OF TEN THOUSAND DOLLARS; AND (C) SUCH CONSTRUCTION IS DOCUMENTED BY A BUILDING PERMIT, IF REQUIRED, FOR THE IMPROVEMENTS, OR OTHER APPROPRIATE DOCUMENTATION AS REQUIRED BY THE ASSESSOR. FOR PURPOSES OF THIS SECTION THE TERM "CONSTRUCTION OF IMPROVEMENTS" SHALL NOT INCLUDE ORDINARY MAINTENANCE AND REPAIRS.

4. IF THE ASSESSOR IS SATISFIED THAT THE APPLICANT IS ENTITLED TO AN EXEMPTION PURSUANT TO THIS SECTION, HE OR SHE SHALL APPROVE THE APPLICATION AND SUCH REAL PROPERTY SHALL THEREAFTER BE EXEMPT FROM TAXATION BY THE MUNICIPAL CORPORATION AS PROVIDED IN THIS SECTION COMMENCING WITH THE ASSESSMENT ROLL PREPARED AFTER THE TAXABLE STATUS DATE. THE ASSESSED VALUE OF ANY EXEMPTION GRANTED PURSUANT TO THIS SECTION SHALL BE ENTERED BY THE ASSESSOR ON THE ASSESSMENT ROLL WITH THE TAXABLE PROPERTY, WITH THE AMOUNT OF THE EXEMPTION SHOWN IN A SEPARATE COLUMN.

S 2. This act shall take effect immediately.