

1621

2011-2012 Regular Sessions

I N A S S E M B L Y

January 11, 2011

Introduced by M. of A. TEDISCO -- Multi-Sponsored by -- M. of A. BURLING, BUTLER, CALHOUN, COOK, HAWLEY, KOLB, J. MILLER, MOLINARO, RAIA -- read once and referred to the Committee on Real Property Taxation

AN ACT to amend the real property tax law, in relation to establishing a city state-supported tax relief exemption and a county state-supported tax relief 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 two new
2 sections 425-b and 425-c to read as follows:
3 S 425-B. CITY STATE-SUPPORTED TAX RELIEF (CITYSTAR) EXEMPTION. 1. REAL
4 PROPERTY SITUATE IN A CITY AND OWNED BY AN OWNER OR OWNERS GRANTED THE
5 SCHOOL TAX RELIEF EXEMPTION, PURSUANT TO SECTION FOUR HUNDRED
6 TWENTY-FIVE OF THIS TITLE, SHALL ALSO BE ELIGIBLE FOR A CITY STATE-SUP-
7 PORTED REAL PROPERTY TAX EXEMPTION PURSUANT TO THIS SECTION FOR CITY TAX
8 YEARS COMMENCING ON OR AFTER JANUARY FIRST, TWO THOUSAND FIFTEEN, IF
9 SUCH CITY MEETS THE FOLLOWING CRITERIA:
10 (A) THE CITY HAS A POPULATION OF LESS THAN ONE MILLION, AS DETERMINED
11 BY THE LATEST FEDERAL DECENNIAL CENSUS;
12 (B) THE LEGISLATIVE BODY OF SUCH CITY APPROVES A RESOLUTION PROVIDING
13 FOR SUCH CITY TAX RELIEF EXEMPTION;
14 (C) (1) INCREASES IN TOTAL CITY EXPENDITURES DURING THE CURRENT YEAR
15 DO NOT EXCEED THE LESSER OF (I) ONE HUNDRED TWENTY PER CENTUM OF THE
16 TOTAL CITY EXPENDITURES FOR THE BASE YEAR MULTIPLIED BY THE CONSUMER
17 PRICE INDEX, OR (II) FOUR PERCENT.
18 (2) FOR THE PURPOSES OF SUBPARAGRAPH ONE OF THIS PARAGRAPH, TOTAL CITY
19 EXPENDITURES SHALL NOT INCLUDE:
20 (I) EXPENDITURES RESULTING FROM TAX CERTIORARI PROCEEDINGS,
21 (II) EXPENDITURES RESULTING FROM COURT ORDERS OR JUDGMENTS AGAINST THE
22 CITY,

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

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1 (III) EMERGENCY EXPENDITURES WHICH ARE CERTIFIED BY THE STATE COMP-
2 TROLLER AS NECESSARY AS A RESULT OF DAMAGE TO OR DESTRUCTION OF A CITY
3 BUILDING OR EQUIPMENT,

4 (IV) CAPITAL EXPENDITURES FOR THE CONSTRUCTION, ACQUISITION, RECON-
5 STRUCTION, REHABILITATION OR IMPROVEMENT OF CITY FACILITIES, INCLUDING
6 DEBT SERVICE AND LEASE COSTS,

7 (V) EXPENDITURES ATTRIBUTABLE TO PROJECTED INCREASES IN CONSTRUCTION
8 COSTS,

9 (VI) NONRECURRING EXPENDITURES IN A PRIOR CITY FISCAL YEAR, AND

10 (VII) EXPENDITURES INCURRED DUE TO MERGERS OR SERVICE CONSOLIDATIONS
11 BETWEEN THE CITY AND ANY OTHER MUNICIPALITY DURING THE FISCAL YEAR IN
12 WHICH SUCH MERGER OR CONSOLIDATION OCCURS;

13 (D) THE CITY BUDGET ADOPTED BY THE CITY LEGISLATIVE BODY INCLUDES A
14 STATEMENT OF THE PROJECTED PERCENTAGE OF INCREASE OR DECREASE IN TOTAL
15 SPENDING DURING THE FISCAL YEAR, AND STATING THE REASONS FOR EXCLUDING
16 ANY INCREASE IN SPENDING IN FORMULATION OF THE CITY BUDGET; AND

17 (E) NOTWITHSTANDING ANY PROVISION OF LAW TO THE CONTRARY, THE LEGISLA-
18 TIVE BODY OF THE CITY SHALL NOT AMEND A FINAL BUDGET IF SUCH AMENDMENT
19 RESULTS IN AN INCREASE IN EXCESS OF THE LIMITATION ESTABLISHED IN PARA-
20 GRAPH (C) OF THIS SUBDIVISION; EXCEPT

21 (1) THE INCREASED SPENDING IS THE RESULT OF AN ACTUAL INCREASE IN
22 CONSTRUCTION COSTS ABOVE THE PROJECT COSTS THEREOF AT THE TIME THE BUDG-
23 ET WAS ADOPTED; HOWEVER IF ACTUAL CONSTRUCTION COSTS ARE LESS THAN THE
24 PROJECT COSTS, SUCH EXCESS FUNDS SHALL BE USED TO REDUCE TAXES, AND

25 (2) THE INCREASED SPENDING IS PAID FROM GIFTS OR GRANTS IN AID NOT
26 INCLUDED IN THE BUDGET.

27 2. THE TAX RELIEF EXEMPTION PROVIDED BY THIS SECTION SHALL BE EQUAL TO
28 THE EXEMPTION GRANTED TO THE OWNER OR OWNERS PURSUANT TO SECTION FOUR
29 HUNDRED TWENTY-FIVE OF THIS TITLE FOR THE TWO THOUSAND SIXTEEN--TWO
30 THOUSAND SEVENTEEN SCHOOL YEAR.

31 3. NOT LATER THAN SEVEN DAYS AFTER THE ADOPTION OF A BUDGET, EACH CITY
32 SHALL TRANSMIT A STATEMENT TO THE STATE COMPTROLLER, DESCRIBING THE TAX
33 REVENUE LOST DURING THAT FISCAL YEAR DUE TO THE IMPLEMENTATION OF THE
34 PROVISIONS OF THIS SECTION. THE STATE COMPTROLLER SHALL CERTIFY THE
35 VALIDITY OF SUCH LOSSES WITHIN THIRTY DAYS OF RECEIPT OF SUCH STATEMENT.
36 UPON SUCH VALIDATION THE STATE COMPTROLLER SHALL PROVIDE FUNDS TO THE
37 CITY WITHIN THIRTY DAYS.

38 4. THE STATE SHALL APPROPRIATE AN AMOUNT EQUAL TO FORTY-FIVE AND ONE-
39 HALF PERCENT OF THE FUND APPROPRIATED BY THE STATE FOR THE IMPLEMENTA-
40 TION OF THE PROVISIONS OF THIS SECTION, WHICH SHALL BE PAID TO CITIES
41 HAVING A POPULATION OF ONE MILLION OR MORE ACCORDING TO THE LATEST
42 DECENNIAL FEDERAL CENSUS, AND SUCH AMOUNT SHALL BE USED TO REDUCE INCOME
43 OR REAL PROPERTY TAXES IN SUCH CITIES AT THE CITIES' DISCRETION.

44 5. FOR THE PURPOSES OF THIS SECTION:

45 (A) "BASE YEAR" SHALL MEAN THE CITY FISCAL YEAR IMMEDIATELY PRECEDING
46 THE COUNTY FISCAL YEAR FOR WHICH THE CITY BUDGET IS PREPARED.

47 (B) "CONSUMER PRICE INDEX" SHALL MEAN THE PERCENTAGE THAT REPRESENTS
48 THE AVERAGE OF THE NATIONAL CONSUMER PRICE INDEXES DETERMINED BY THE
49 UNITED STATES DEPARTMENT OF LABOR, FOR THE TWELVE MONTH PERIOD PRECEDING
50 JANUARY FIRST OF THE CURRENT YEAR.

51 (C) "CURRENT YEAR" SHALL MEAN THE CALENDAR YEAR IN WHICH THE CITY
52 BUDGET IS SUBMITTED FOR A VOTE BY THE CITY'S LEGISLATIVE BODY.

53 6. THE STATE SHALL APPROPRIATE ALL FUNDS NECESSARY TO MUNICIPALITIES
54 TO ADMINISTER THE PROVISIONS OF THIS SECTION AND TO IMPLEMENT ANY LAW,
55 REGULATION, OR RULE ADOPTED AFTER JANUARY FIRST, TWO THOUSAND FOURTEEN
56 WHICH WOULD REQUIRE A MUNICIPALITY TO EXPEND ANY OF ITS AVAILABLE FUNDS.

1 NOTWITHSTANDING ANY INCONSISTENT PROVISION OF THIS SECTION, THE
2 PROVISIONS OF PARAGRAPH (C) OF SUBDIVISION ONE OF THIS SECTION SHALL NOT
3 APPLY TO ANY COUNTY WHICH DOES NOT INCREASE ITS PROPERTY TAX RATE, SALES
4 TAX RATE, OR THE RATE OF ANY OTHER TAX, DURING ITS CURRENT BUDGET YEAR.

5 S 425-C. COUNTY STATE-SUPPORTED TAX RELIEF (COUNTYSTAR) EXEMPTION. 1.
6 REAL PROPERTY SITUATE IN A COUNTY AND OWNED BY AN OWNER OR OWNERS GRANT-
7 ED THE SCHOOL TAX RELIEF EXEMPTION, PURSUANT TO SECTION FOUR HUNDRED
8 TWENTY-FIVE OF THIS TITLE, AND NOT RECEIVING THE TAX EXEMPTION ESTAB-
9 LISHED BY SECTION FOUR HUNDRED TWENTY-FIVE-B OF THIS TITLE SHALL ALSO BE
10 ELIGIBLE FOR A COUNTY REAL PROPERTY TAX EXEMPTION PURSUANT TO THIS
11 SECTION FOR COUNTY TAX YEARS COMMENCING ON OR AFTER JANUARY FIRST, TWO
12 THOUSAND FIFTEEN, IF SUCH COUNTY MEETS THE FOLLOWING CRITERIA:

13 (A) THE LEGISLATIVE BODY OF SUCH COUNTY APPROVES A RESOLUTION PROVID-
14 ING FOR SUCH TAX RELIEF EXEMPTION;

15 (B) (1) INCREASES IN TOTAL COUNTY EXPENDITURES DURING THE CURRENT YEAR
16 DO NOT EXCEED THE LESSER OF (I) ONE HUNDRED TWENTY PER CENTUM OF THE
17 TOTAL COUNTY EXPENDITURES FOR THE BASE YEAR MULTIPLIED BY THE CONSUMER
18 PRICE INDEX, OR (II) FOUR PERCENT.

19 (2) FOR THE PURPOSES OF SUBPARAGRAPH ONE OF THIS PARAGRAPH, TOTAL
20 COUNTY EXPENDITURES SHALL NOT INCLUDE:

21 (I) EXPENDITURES RESULTING FROM TAX CERTIORARI PROCEEDINGS,

22 (II) EXPENDITURES RESULTING FROM COURT ORDERS OR JUDGMENTS AGAINST THE
23 COUNTY,

24 (III) EMERGENCY EXPENDITURES WHICH ARE CERTIFIED BY THE STATE COMP-
25 TROLLER AS NECESSARY AS A RESULT OF DAMAGE TO OR DESTRUCTION OF A COUNTY
26 BUILDING OR EQUIPMENT,

27 (IV) CAPITAL EXPENDITURES FOR THE CONSTRUCTION, ACQUISITION, RECON-
28 STRUCTION, REHABILITATION OR IMPROVEMENT OF COUNTY FACILITIES, INCLUDING
29 DEBT SERVICE AND LEASE COSTS,

30 (V) EXPENDITURES ATTRIBUTABLE TO PROJECTED INCREASES IN CONSTRUCTION
31 COSTS,

32 (VI) NONRECURRING EXPENDITURES IN A PRIOR COUNTY FISCAL YEAR, AND

33 (VII) EXPENDITURES INCURRED DUE TO MERGERS OR SERVICE CONSOLIDATIONS
34 BETWEEN THE COUNTY AND ANY OTHER MUNICIPALITY DURING THE FISCAL YEAR IN
35 WHICH SUCH MERGER OR CONSOLIDATION OCCURS;

36 (C) THE COUNTY BUDGET ADOPTED BY THE COUNTY LEGISLATIVE BODY INCLUDES
37 A STATEMENT OF THE PROJECTED PERCENTAGE OF INCREASE OR DECREASE IN TOTAL
38 SPENDING DURING THE FISCAL YEAR, AND STATING THE REASONS FOR EXCLUDING
39 ANY INCREASE IN SPENDING IN FORMULATION OF THE COUNTY BUDGET; AND

40 (D) NOTWITHSTANDING ANY PROVISION OF LAW TO THE CONTRARY, THE LEGISLA-
41 TIVE BODY OF THE COUNTY SHALL NOT AMEND A FINAL BUDGET IF SUCH AMENDMENT
42 RESULTS IN AN INCREASE IN EXCESS OF THE LIMITATION ESTABLISHED IN PARA-
43 GRAPH (B) OF THIS SUBDIVISION; EXCEPT

44 (1) THE INCREASED SPENDING IS THE RESULT OF AN ACTUAL INCREASE IN
45 CONSTRUCTION COSTS ABOVE THE PROJECT COSTS THEREOF AT THE TIME THE BUDG-
46 ET WAS ADOPTED; HOWEVER IF ACTUAL CONSTRUCTION COSTS ARE LESS THAN THE
47 PROJECT COSTS, SUCH EXCESS FUNDS SHALL BE USED TO REDUCE TAXES, AND

48 (2) THE INCREASED SPENDING IS PAID FROM GIFTS OR GRANTS IN AID NOT
49 INCLUDED IN THE BUDGET.

50 2. THE TAX RELIEF EXEMPTION PROVIDED BY THIS SECTION SHALL BE EQUAL TO
51 TWO-THIRDS OF THE EXEMPTION GRANTED TO THE OWNER OR OWNERS PURSUANT TO
52 SECTION FOUR HUNDRED TWENTY-FIVE OF THIS TITLE FOR THE TWO THOUSAND
53 SIXTEEN--TWO THOUSAND SEVENTEEN SCHOOL YEAR BUT IN NO CASE SHALL THE
54 VALUE OF THE EXEMPTION BE LESS THAN ONE-HALF OF ONE PERCENT OF THE TWO-
55 THIRDS OF THE EXEMPTION GRANTED TO THE OWNER OR OWNERS PURSUANT TO

1 SECTION FOUR HUNDRED TWENTY-FIVE OF THIS TITLE FOR THE TWO THOUSAND
2 SIXTEEN--TWO THOUSAND SEVENTEEN SCHOOL YEAR.

3 3. NOT LATER THAN SEVEN DAYS AFTER THE ADOPTION OF A BUDGET, EACH
4 COUNTY SHALL TRANSMIT A STATEMENT TO THE STATE COMPTROLLER DESCRIBING
5 THE TAX REVENUE LOST DURING THAT FISCAL YEAR DUE TO THE IMPLEMENTATION
6 OF THE PROVISIONS OF THIS SECTION. THE STATE COMPTROLLER SHALL CERTIFY
7 THE VALIDITY OF SUCH LOSSES WITHIN THIRTY DAYS OF RECEIPT OF SUCH STATE-
8 MENT. UPON SUCH VALIDATION THE STATE COMPTROLLER SHALL PROVIDE FUNDS TO
9 THE COUNTY WITHIN THIRTY DAYS.

10 4. FOR THE PURPOSES OF THIS SECTION:

11 (A) "BASE YEAR" SHALL MEAN THE COUNTY FISCAL YEAR IMMEDIATELY PRECED-
12 ING THE COUNTY FISCAL YEAR FOR WHICH THE COUNTY BUDGET IS PREPARED;

13 (B) "CONSUMER PRICE INDEX" SHALL MEAN THE PERCENTAGE THAT REPRESENTS
14 THE AVERAGE OF THE NATIONAL CONSUMER PRICE INDEXES DETERMINED BY THE
15 UNITED STATES DEPARTMENT OF LABOR, FOR THE TWELVE MONTH PERIOD PRECEDING
16 JANUARY FIRST OF THE CURRENT YEAR; AND

17 (C) "CURRENT YEAR" SHALL MEAN THE CALENDAR YEAR IN WHICH THE COUNTY
18 BUDGET IS SUBMITTED FOR A VOTE BY THE COUNTY'S LEGISLATIVE BODY.

19 5. THE STATE SHALL APPROPRIATE ALL FUNDS NECESSARY TO MUNICIPALITIES
20 TO ADMINISTER THE PROVISIONS OF THIS SECTION AND TO IMPLEMENT ANY LAW,
21 REGULATION, OR RULE ADOPTED AFTER JANUARY FIRST, TWO THOUSAND FOURTEEN
22 WHICH WOULD REQUIRE A MUNICIPALITY TO EXPEND ANY OF ITS AVAILABLE FUNDS.

23 NOTWITHSTANDING ANY INCONSISTENT PROVISION OF THIS SECTION, THE
24 PROVISIONS OF PARAGRAPH (C) OF SUBDIVISION ONE OF SECTION FOUR HUNDRED
25 TWENTY-FIVE-B OF THIS TITLE SHALL NOT APPLY TO ANY COUNTY WHICH DOES NOT
26 INCREASE ITS PROPERTY TAX RATE, SALES TAX RATE, OR THE RATE OF ANY OTHER
27 TAX, DURING ITS CURRENT BUDGET YEAR.

28 S 2. This act shall take effect on the first of January next succeed-
29 ing the date on which it shall have become a law.