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

3112

2011-2012 Regular Sessions

I N A S S E M B L Y

January 24, 2011

Introduced by M. of A. CALHOUN -- Multi-Sponsored by -- M. of A. TEDISCO -- read once and referred to the Committee on Real Property Taxation

AN ACT to amend the real property tax law and the real property law, in relation to the application of exemptions to manufactured homes

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

Section 1. Paragraph (g) of subdivision 12 of section 102 of the real property tax law, as amended by chapter 637 of the laws of 2004, is amended to read as follows:

(g) [Forms of housing adaptable to motivation by a power connected thereto, commonly called "trailers" or "mobile homes", which are or can be used for residential, business, commercial or office purposes] MANUFACTURED HOMES, AS DEFINED IN PARAGRAPH FOUR OF SUBDIVISION A OF SECTION TWO HUNDRED THIRTY-THREE OF THE REAL PROPERTY LAW, except those (1) located within the boundaries of an assessing unit for less than sixty days, (2) unoccupied and for sale or (3) "recreational vehicles" that are four hundred square feet or less in size, self propelled or towable by an automobile or light duty truck and used as temporary living quarters for recreational, camping, travel or seasonal use. The value of any [trailer or mobile] MANUFACTURED home shall be included in the assessment of the land on which it is located[; provided, however, that if either the trailer or mobile home or the land on which it is located is entitled to any exemption pursuant to article four of this chapter, other than the exemption authorized by section four hundred twenty-five of this chapter, such trailer or mobile home shall be separately assessed in the name of the owner thereof]. IF THE OWNER OF A MANUFACTURED HOME DOES NOT OWN THE LAND, HE OR SHE MAY APPLY FOR AN EXEMPTION PURSUANT TO ARTICLE FOUR OF THIS CHAPTER ONLY UPON THE MANUFACTURED HOME. IF GRANTED, ONLY THE PORTION OF THE ASSESSMENT OF THE PARCEL ATTRIBUTABLE TO THE MANUFACTURED HOME SHALL BE SUBJECT TO EXEMPTION FROM TAXATION PURSUANT TO THIS SECTION. IN NO EVENT SHALL THE EXEMPTION

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

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EXCEED THE TOTAL ASSESSED VALUE ATTRIBUTABLE TO THE MANUFACTURED HOME. THE EXEMPTION SHALL BE CREDITED BY THE APPROPRIATE TAXING AUTHORITY AGAINST THE ASSESSED VALUATION OF THE PARCEL AND THE REDUCTION IN REAL PROPERTY TAXES REALIZED THEREBY SHALL BE CREDITED BY THE LANDOWNER IN THE MANNER PRESCRIBED PURSUANT TO SUBDIVISION W OF SECTION TWO HUNDRED THIRTY-THREE OF THE REAL PROPERTY LAW;

S 2. Paragraph (l) of subdivision 2 of section 425 of the real property tax law, as added by section 1 of part B of chapter 389 of the laws of 1997, subparagraph (iii) as amended by section 3 of part A of chapter 405 of the laws of 1999, is amended to read as follows:

(l) [Trailers and mobile] MANUFACTURED homes. (i) [When the value of a trailer or mobile home has been included in the assessment of the land on which it is located pursuant to paragraph (g) of subdivision twelve of section one hundred two of this chapter, the provisions of this paragraph shall apply.

(ii)] If the owner of the [trailer or mobile] MANUFACTURED home also owns the land, he or she may apply for exemption pursuant to this section in the same manner as any other homeowner.

[(iii)] (II) If the owner of the [trailer or mobile] MANUFACTURED home does not own the land, he or she may apply for exemption pursuant to this section only upon the [trailer or mobile] MANUFACTURED home. If granted, only the portion of the assessment of the parcel attributable to the [trailer or mobile] MANUFACTURED home shall be subject to exemption from taxation pursuant to this section. In no event shall the exemption exceed the total assessed value attributable to the [trailer or mobile] MANUFACTURED home. The exemption shall be credited by the appropriate taxing authority against the assessed valuation of the parcel. Upon the completion of the final assessment roll, or as soon thereafter as is practicable, the assessor shall forward to the landowner a statement setting forth the exemption attributable to each eligible [trailer or mobile] MANUFACTURED home. The reduction in real property taxes attributable to each eligible [trailer or mobile] MANUFACTURED home shall be credited by the landowner against the rent payable on account of such [trailer or mobile] MANUFACTURED home, subject to the provisions of subdivision w of section two hundred thirty-three of the real property law.

S 3. Subdivision w of section 233 of the real property law, as amended by section 18 of part B of chapter 389 of the laws of 1997, paragraph 3-a as added by chapter 405 of the laws of 2001, is amended to read as follows:

w. Real property tax payments. 1. A manufactured home park owner, operator or the agent of such owner or operator shall reduce the annual rent paid by a manufactured home OWNER OR tenant for use of the land upon which such manufactured home sits in an amount equal to the [total of the real property taxes actually paid by such manufactured home tenant for such manufactured home plus the amount by which the taxes on such manufactured home were reduced as a result of the partial real property tax exemption granted to the manufactured home tenant pursuant to article four of the real property tax law, provided such manufactured home tenant:

(a) owns a manufactured home which is separately assessed, subject to the provisions of paragraph two of this subdivision;

(b)] AMOUNT BY WHICH THE TAXES ON SUCH MANUFACTURED HOME WERE REDUCED AS A RESULT OF AN EXEMPTION GRANTED PURSUANT TO ARTICLE FOUR OF THE REAL PROPERTY TAX LAW, PROVIDED THE MANUFACTURED HOME OWNER OR TENANT is

entitled to and actually receives a partial real property tax exemption pursuant to article four of [the real property tax] SUCH law[; and

(c) pays the real property taxes due on such home].

2. [In the case of a manufactured home which is not separately assessed, but which is entitled to and actually receives the school tax relief (STAR) exemption authorized by section four hundred twenty-five of the real property tax law, the tenant of such manufactured home shall be entitled to a rent reduction pursuant to this subdivision to the same extent as a tenant of a manufactured home which satisfies the criteria set forth in paragraph one of this subdivision. Such rent reduction shall be equal to the amount by which the taxes on such manufactured home were reduced as a result of such exemption.

3.] A manufactured home park owner or operator providing a reduction in rent as required by [paragraph one or two of] this subdivision may retain, in consideration for record keeping expenses, two percent of the amount of such reduction.

[3-a.] 3. Any reduction required to be provided pursuant to paragraph one or two of this subdivision shall be provided as follows:

(a) a reduction in monthly rent (prorating the reduction in twelve parts) shall take effect upon the first monthly rental payment due sixty days after the last date for the payment of real property taxes with no penalty or interest for lateness and shall be extended to the next eleven monthly payments thereafter; or

(b) with the consent of the manufactured home park owner, operator, or agent of such owner or operator, a reduction in rent may be offset in the entire amount of such reduction against the first monthly rental payment due sixty days after the last date for the payment of real property taxes with no penalty or interest for lateness, and the balance thereof, if any, may be offset against the monthly rental payments for succeeding months, until exhausted; or

(c) at the election of the manufactured home park owner, operator, or agent of such owner or operator, the total amount of such reduction in rent may be paid to the tenant no later than sixty days after the last date for the payment of real property taxes with no penalty or interest for lateness.

4. The failure of a manufactured home park owner or operator to comply with the provisions of this subdivision shall be a violation punishable by a fine not to exceed five hundred dollars for each violation.

S 4. This act shall take effect on the first of January next succeeding the date on which it shall have become a law.