

6852

2011-2012 Regular Sessions

I N A S S E M B L Y

April 5, 2011

Introduced by M. of A. BRAUNSTEIN -- read once and referred to the
Committee on Real Property Taxation

AN ACT to amend the real property tax law, in relation to classifying
properties held in cooperative form for assessment purposes as class
one properties

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

1 Section 1. Paragraph class one of subdivision 1 of section 1802 of the
2 real property tax law, as amended by chapter 332 of the laws of 2008, is
3 amended to read as follows:
4 Class one: (a) all one, two and three family residential real proper-
5 ty, including such dwellings used in part for nonresidential purposes
6 but which are used primarily for residential purposes, [except such
7 property held in cooperative or condominium forms of ownership other
8 than (i) property defined in subparagraphs (b) and (c) of this paragraph
9 and (ii) property which contains no more than three dwelling units held
10 in condominium form of ownership and which was classified within this
11 class on a previous assessment roll; and] provided that, notwithstanding
12 the provisions of paragraph (g) of subdivision twelve of section one
13 hundred two of this chapter, a mobile home or a trailer shall not be
14 classified within this class unless it is owner-occupied and separately
15 assessed; and (b) residential real property [not more than three stories
16 in height] held in COOPERATIVE OR condominium form of ownership[,
17 provided that no dwelling unit therein previously was on an assessment
18 roll as a dwelling unit in other than condominium form of ownership];
19 and (c) residential real property consisting of one family house struc-
20 tures owned by the occupant, situated on land held in cooperative owner-
21 ship by owner occupiers, provided that; (i) such house structures and
22 land constituted bungalow colonies in existence prior to nineteen
23 hundred forty; and (ii) the land is held in cooperative ownership for
24 the sole purpose of maintaining one family residences for members own

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

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1 use; and (d) all vacant land located within a special assessing unit
2 which is a city (i) other than such land in the borough of Manhattan,
3 provided that any such vacant land which is not zoned residential must
4 be situated immediately adjacent to property improved with a residential
5 structure as defined in subparagraphs (a) and (b) of this paragraph, be
6 owned by the same owner as such immediately adjacent residential proper-
7 ty immediately prior to and since January 1, 1989, and have a total area
8 not exceeding 10,000 square feet; and (ii) located in the borough of
9 Manhattan north of or adjacent to the north side of 110th street
10 provided such vacant land was classified within this class on the
11 assessment roll with a taxable status date of January 5, 2008 and the
12 owner of such land has entered into a recorded agreement with a govern-
13 mental entity on or before December 31, 2008 requiring construction of
14 housing affordable to persons or families of low income in accordance
15 with the provisions of the private housing finance law. Notwithstanding
16 the foregoing, such vacant land shall be classified according to its use
17 on the assessment roll with a taxable status date immediately following
18 commencement of construction, provided further, that construction pursu-
19 ant to an approved plan for affordable housing shall commence no later
20 than December 31, 2010; and (e) all vacant land located within a special
21 assessing unit which is not a city, provided that such vacant land which
22 is not zoned residential must be situated immediately adjacent to real
23 property defined in subparagraph (a), (b) or (c) of this paragraph and
24 be owned by the same person or persons who own the real property defined
25 in such subparagraph immediately prior to and since January 1, 2003;

26 S 2. This act shall take effect on the first of January next succeed-
27 ing the date on which it shall have become a law and shall apply to
28 assessment rolls prepared on the basis of taxable status dates occurring
29 on or after such effective date.