

3409

2011-2012 Regular Sessions

I N S E N A T E

February 18, 2011

Introduced by Sen. MARCELLINO -- read twice and ordered printed, and
when printed to be committed to the Committee on Local Government

AN ACT to amend the real property tax law, in relation to permanently
exempting a homeowner from tax increases when installing a solar ener-
gy system on their home

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

1 Section 1. Subdivisions 2, 5, 8 and 9 of section 487 of the real prop-
2 erty tax law, subdivisions 2 and 8 as amended by chapter 515 of the laws
3 of 2002, subdivision 8 as further amended by subdivision (b) of section
4 1 of part W of chapter 56 of the laws of 2010, subdivision 5 as amended
5 by chapter 366 of the laws of 2010 and subdivision 9 as added by chapter
6 608 of the laws of 2002, are amended to read as follows:
7 2. Real property which includes a solar or wind energy system or farm
8 waste energy system approved in accordance with the provisions of this
9 section shall be exempt from taxation to the extent of any increase in
10 the value thereof by reason of the inclusion of such solar or wind ener-
11 gy system or farm waste energy system [for a period of fifteen years].
12 When a solar or wind energy system or components thereof or farm waste
13 energy system also serve as part of the building structure, the increase
14 in value which shall be exempt from taxation shall be equal to the
15 assessed value attributable to such system or components multiplied by
16 the ratio of the incremental cost of such system or components to the
17 total cost of such system or components.
18 5. The exemption granted pursuant to this section shall only be appli-
19 cable to solar or wind energy systems or farm waste energy systems which
20 are (a) existing or constructed prior to July first, nineteen hundred
21 eighty-eight [or], (b) constructed subsequent to January first, nineteen
22 hundred ninety-one and prior to January first, two thousand fifteen OR
23 (C) SOLAR ENERGY SYSTEMS CONSTRUCTED ON ONE, TWO, THREE OR FOUR FAMILY
24 HOMES ON OR AFTER JANUARY FIRST, TWO THOUSAND FOURTEEN.

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

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1 [8. Notwithstanding the provisions of subdivision two of this section,
2 a county, city, town or village may by local law or a school district,
3 other than a school district to which article fifty-two of the education
4 law applies, may by resolution provide that no exemption under this
5 section shall be applicable within its jurisdiction with respect to any
6 solar or wind energy system or farm waste energy system constructed
7 subsequent to January first, nineteen hundred ninety-one or the effec-
8 tive date of such local law, ordinance or resolution, whichever is
9 later. A copy of any such local law or resolution shall be filed with
10 the commissioner and with the president of the authority.

11 9. (a) A county, city, town, village or school district, except a
12 school district under article fifty-two of the education law, that has
13 not acted to remove the exemption under this section may require the
14 owner of a property which includes a solar or wind energy system which
15 meets the requirements of subdivision four of this section, to enter
16 into a contract for payments in lieu of taxes. Such contract may require
17 annual payments in an amount not to exceed the amounts which would
18 otherwise be payable but for the exemption under this section.

19 (b) The payment in lieu of a tax agreement shall not operate for a
20 period of more than fifteen years, commencing in each instance from the
21 date on which the benefits of such exemption first become available and
22 effective.]

23 S 2. This act shall take effect immediately.