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I N   S E N A T E

March 16, 2012

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Introduced by Sen. CARLUCCI -- 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 creating a county commercial assessment ratio

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 a new  
2     section 1215 to read as follows:  
3     S 1215. ESTABLISHMENT OF A STATE COMMERCIAL ASSESSMENT RATIO FOR COUN-  
4     TIES. 1. FOR PURPOSES OF THIS SECTION:  
5     (A) "MARKET VALUE RATIO" MEANS THE RATIO OF ASSESSED VALUE TO FULL  
6     VALUE OF THE TAXABLE REAL PROPERTY ON A FINAL ASSESSMENT ROLL;  
7     (B) "MAJOR TYPE B" PROPERTY MEANS A GROUP OF TAXABLE PARCELS DESIG-  
8     NATED AS COMMERCIAL PROPERTY INCLUDING APARTMENTS, INDUSTRIAL PROPERTY,  
9     RECREATION AND ENTERTAINMENT PROPERTY, TAXABLE COMMUNITY SERVICES PROP-  
10    ERTY, AND PUBLIC SERVICES PROPERTY NOT CONTAINED WITH MAJOR TYPE D PROP-  
11    ERTY: EXCEPT IN A HOMESTEAD ASSESSING UNIT, MAJOR TYPE B PROPERTY ALSO  
12    INCLUDES RESIDENTIAL PROPERTY NOT IN MAJOR TYPE A;  
13    (C) "NON-REASSESSMENT MUNICIPALITY" MEANS ANY MUNICIPALITY THAT IS NOT  
14    DESIGNATED AS A REASSESSMENT MUNICIPALITY;  
15    (D) "MAJOR TYPE A" PROPERTY MEANS RESIDENTIAL REAL PROPERTY OTHER THAN  
16    APARTMENTS, EXCEPT THAT FOR A HOMESTEAD ASSESSING UNIT, MAJOR TYPE A  
17    DESIGNATES THE HOMESTEAD CLASS AS DEFINED IN SECTION NINETEEN HUNDRED  
18    ONE OF THIS CHAPTER; AND  
19    (E) "MAJOR TYPE D" DESIGNATES PUBLIC SERVICES UTILITY REAL PROPERTY,  
20    NOT INCLUDING CEILING RAILROAD AND SPECIAL FRANCHISE PROPERTY.  
21    2. NOTWITHSTANDING ANY OTHER PROVISION OF LAW TO THE CONTRARY, THERE  
22    SHALL BE ESTABLISHED A COMMERCIAL ASSESSMENT RATIO AS FOLLOWS:  
23    (A) UPON FINAL COMPLETION EACH YEAR OF THE ASSESSMENT ROLL OF EACH  
24    CITY, TOWN AND VILLAGE, THE STATE BOARD SHALL ESTABLISH THE COMMERCIAL  
25    ASSESSMENT RATIO FOR SUCH CITY, TOWN OR VILLAGE PROVIDED THAT (I) THE  
26    STATE BOARD IS REQUIRED BY LAW TO ESTABLISH A STATE EQUALIZATION RATE  
27    FOR SUCH CITY, TOWN OR VILLAGE, AND HAS ESTABLISHED SUCH EQUALIZATION  
28    RATE, AND (II) THAT SUCH CITY, TOWN OR VILLAGE IS NOT A SPECIAL ASSESS-

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

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1 ING UNIT AS DEFINED IN SECTION EIGHTEEN HUNDRED ONE OF THIS CHAPTER, AND  
2 (III) THE CITY, TOWN OR VILLAGE IS NOT COMPLETING A REVALUATION OR  
3 UPDATE. IN THE CASE OF A CITY IN A COUNTY HAVING A COUNTY DEPARTMENT OF  
4 ASSESSMENT WITH THE POWER TO ASSESS REAL PROPERTY, THE STATE BOARD ALSO  
5 SHALL ESTABLISH A COMMERCIAL ASSESSMENT RATIO FOR THAT PORTION OF THE  
6 COUNTY ROLL CONTAINING THE ASSESSMENTS OF TAXABLE REAL PROPERTY IN SUCH  
7 CITY.

8 (B) SUCH COMMERCIAL ASSESSMENT RATIO SHALL BE THE MARKET VALUE RATIO  
9 FOR MAJOR TYPE B PROPERTY FOR NON-REASSESSMENT MUNICIPALITIES ESTAB-  
10 LISHED PURSUANT TO THE RULES, REGULATIONS AND PROCEDURES PROMULGATED BY  
11 THE STATE BOARD FOR THE ESTABLISHMENT OF STATE EQUALIZATION RATES.

12 3. THE PROVISIONS OF THIS SECTION SHALL NOT APPLY TO ANY ASSESSING  
13 UNIT UNLESS THE COUNTY IN WHICH SUCH ASSESSING UNIT IS LOCATED ADOPTS  
14 SUCH PROVISIONS THROUGH LOCAL LAW OR RESOLUTION.

15 S 2. Subparagraph 3 of paragraph (b) of subdivision 3 of section 720  
16 of the real property tax law is amended by adding a new clause (e) to  
17 read as follows:

18 (E) ALL ASSESSING UNITS, OTHER THAN SPECIAL ASSESSING UNITS AS DEFINED  
19 IN SECTION EIGHTEEN HUNDRED ONE OF THIS CHAPTER, AND UPON THE REVIEW OF  
20 AN ASSESSMENT OF MAJOR TYPE B PROPERTY AS DEFINED IN SECTION TWELVE  
21 HUNDRED FIFTEEN OF THIS CHAPTER, THE COMMERCIAL ASSESSMENT RATIO ESTAB-  
22 LISHED FOR THE ROLL CONTAINING THE ASSESSMENT UNDER REVIEW.

23 S 3. This act shall take effect immediately and shall apply beginning  
24 with the 2012 assessment roll.