

S. 2121

A. 2294

2013-2014 Regular Sessions

S E N A T E - A S S E M B L Y

January 11, 2013

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IN SENATE -- Introduced by Sens. BOYLE, FLANAGAN, FUSCHILLO, HANNON, LAVALLE, MARCELLINO, MARTINS -- read twice and ordered printed, and when printed to be committed to the Committee on Local Government

IN ASSEMBLY -- Introduced by M. of A. SWEENEY, WEISENBERG, JAFFEE, GALEF, HENNESSY, ENGLEBRIGHT, LAVINE, THIELE, PAULIN, ZEBROWSKI, ABINANTI, SKOUFIS, BUCHWALD, TITONE, SCARBOROUGH, KELLNER, JACOBS, MAISEL, SKARTADOS, STEVENSON -- Multi-Sponsored by -- M. of A. CLARK, LIFTON, MILLMAN -- read once and referred to the Committee on Real Property Taxation

AN ACT to enact the "Hurricane Sandy assessment relief act"; to amend the local finance law, in relation to certain real property tax refunds and credits

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

1     Section 1. This act shall be known and may be cited as the "Hurricane  
2     Sandy assessment relief act".  
3     S 2. Definitions. For the purposes of this act, the following terms  
4     shall have the following meanings:  
5     1. "Eligible county" shall mean those counties which have been  
6     included in the federal disaster declarations for Hurricane Sandy but  
7     shall not apply to a city with a population of one million or more.  
8     2. "Catastrophically impacted property" shall mean a property which is  
9     located in an eligible municipality and which lost fifty percent or more  
10    of its value as a result of Hurricane Sandy.  
11    3. "Eligible municipality" shall mean a municipal corporation, as  
12    defined by subdivision 10 of section 102 of the real property tax law,  
13    which is either: (a) an eligible county; or (b) a city, town, village  
14    or school district that is wholly or partly contained within an eligible  
15    county.

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

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1 4. "Impacted assessment roll" shall mean a final assessment roll which  
2 satisfies both of the following conditions: (a) the roll is based upon a  
3 taxable status date occurring prior to October 28, 2012; and (b) taxes  
4 levied upon that roll by or on behalf of a participating municipality  
5 are payable without interest on or after October 28, 2012.

6 5. "Participating municipality" shall mean an eligible municipal  
7 corporation that has chosen to provide assessment relief to owners of  
8 catastrophically impacted properties pursuant to section three of this  
9 act.

10 6. "Hurricane Sandy" shall mean the storms, rains, or floods which  
11 occurred within an eligible county during the period beginning on Octo-  
12 ber 29, 2012 and ending November 3, 2012.

13 S 3. Local option. An eligible municipality may exercise the  
14 provisions of this act if its governing body shall, by the forty-fifth  
15 day following the date upon which this act is approved by the governor,  
16 pass a local law or in the case of a school district a resolution adopt-  
17 ing the provisions of this act.

18 S 4. Assessment relief for Hurricane Sandy victims. (a) Notwithstand-  
19 ing any provision of law to the contrary, where property was catastroph-  
20 ically impacted by Hurricane Sandy and is located within a participating  
21 municipality, assessment relief shall be granted as follows:

22 i. If the property lost at least fifty but less than sixty percent of  
23 its value due to Hurricane Sandy, the taxable assessed value of the  
24 property shall be reduced by fifty-five percent for purposes of the  
25 participating municipality on the impacted assessment roll.

26 ii. If the property lost at least sixty but less than seventy percent  
27 of its value due to Hurricane Sandy, the taxable assessed value of the  
28 property shall be reduced by sixty-five percent for purposes of the  
29 participating municipality on the impacted assessment roll.

30 iii. If the property lost at least seventy but less than eighty  
31 percent of its value due to Hurricane Sandy, the taxable assessed value  
32 of the property shall be reduced by seventy-five percent for purposes of  
33 the participating municipality on the impacted assessment roll.

34 iv. If the property lost at least eighty but less than ninety percent  
35 of its value due to Hurricane Sandy, the taxable assessed value of the  
36 property shall be reduced by eighty-five percent for purposes of the  
37 participating municipality on the impacted assessment roll.

38 v. If the property lost at least ninety but less than one hundred  
39 percent of its value due to Hurricane Sandy, the taxable assessed value  
40 of the property shall be reduced by ninety-five percent for purposes of  
41 the participating municipality on the impacted assessment roll.

42 vi. If the property lost all of its value due to Hurricane Sandy, the  
43 taxable assessed value of the property shall be reduced to zero for  
44 purposes of the participating municipality on the impacted assessment  
45 roll.

46 vii. The percentage loss in value for this purpose shall be determined  
47 by the assessor in the manner provided by this act, subject to review by  
48 the board of assessment review or the assessment review commission,  
49 whichever is applicable.

50 viii. No reduction in taxable assessed value shall be granted pursuant  
51 to this act except as specified above. No reduction in taxable assessed  
52 value shall be granted pursuant to this section for purposes of any  
53 county, city, town, village or school district which has not adopted the  
54 provisions of this act.

55 (b) To receive such relief pursuant to this act, the property owner  
56 shall submit a written request to the assessor within ninety days

1 following the date upon which this act is approved by the governor. Such  
2 request need not be in a particular form but shall describe in reason-  
3 able detail the damage caused to the property by Hurricane Sandy and the  
4 condition of the property following the hurricane and shall be accompa-  
5 nied by supporting documentation if available.

6 (c) Upon receiving such a request, the assessor shall make a finding  
7 as to whether the property lost at least half of its value as a result  
8 of Hurricane Sandy, and if so, shall classify the percentage loss of  
9 value within one of the following ranges:

- 10 i. At least fifty percent but less than sixty percent,
- 11 ii. At least sixty percent but less than seventy percent,
- 12 iii. At least seventy percent but less than eighty percent,
- 13 iv. At least eighty percent but less than ninety percent,
- 14 v. At least ninety percent but less than one hundred percent, or
- 15 vi. one hundred percent.

16 (d) The assessor shall mail written notice of such finding to the  
17 property owner and the participating municipality. Where the assessor  
18 finds that the loss in value is less than fifty percent, or classifies  
19 the loss within a lower range than the property owner believes is  
20 warranted, the property owner may file a complaint with the board of  
21 assessment review or the assessment review commission, whichever is  
22 applicable. Such board shall reconvene upon ten days written notice to  
23 the property owner and assessor to hear the appeal and determine the  
24 matter, and shall mail written notice of its determination to the asses-  
25 sor and property owner. The provisions of article 5 of the real property  
26 tax law shall govern the review process to the extent practicable.

27 (e) Where property has lost at least fifty percent of its value due to  
28 Hurricane Sandy, the taxable assessed value of the property on the  
29 impacted assessment roll shall be reduced by the appropriate percentage  
30 specified in subdivision (a) of this section, provided that any  
31 exemptions which the property may be receiving shall be adjusted as  
32 necessary to account for such reduction in the taxable assessed value.  
33 To the extent the taxable assessed value of the property originally  
34 appearing on such roll exceeds the amount to which it should be reduced  
35 pursuant to this act, the excess shall be considered an error in essen-  
36 tial fact as defined by section 550 of the real property tax law. If the  
37 error appears on a tax roll, the tax roll shall be corrected in the  
38 manner provided by section 554 of the real property tax law or a refund  
39 or credit of taxes shall be granted in the manner provided by section  
40 556 or 556-b of the real property tax law. If the error appears on a  
41 final assessment roll but not on a tax roll, such final assessment roll  
42 shall be corrected in the manner provided by section 553 of the real  
43 property tax law.

44 (f) The rights contained in this act shall not otherwise diminish any  
45 other legally available right of any property owner or party who may  
46 otherwise lawfully challenge the valuation or assessment of any real  
47 property or improvements thereon. All remaining rights hereby remain and  
48 shall be available to the party to whom such rights would otherwise be  
49 available notwithstanding this act.

50 S 5. School districts held harmless. Each school district that is  
51 wholly or partially contained within an eligible county, as defined in  
52 subdivision one of section two of this act, shall be held harmless by  
53 the state for any reduction in state aid that would have been paid as  
54 tax savings pursuant to section 1306-a of the real property tax law  
55 incurred due to the provisions of this act.

1 S 6. The director of the office of real property tax services, or  
2 other chief administrative official of that office within the department  
3 of taxation and finance is authorized to develop a guidance memorandum  
4 for use by assessing units. Such guidance memorandum shall assist with  
5 the implementation of this act and shall be deemed to be binding on all  
6 assessing units in counties which implement the provisions of this act.

7 The guidance memorandum shall have no force or effect or serve as  
8 authority for any other act of assessing units or of the interpretation  
9 or implementation of the laws of the state of New York except as they  
10 relate to the specific implementation of this act.

11 S 7. Suffolk county financing of refunds and credits. Payments by  
12 Suffolk county for refunds or credits pursuant to this act may be  
13 financed pursuant to the local finance law in the same manner, and  
14 subject to the same conditions, as amounts authorized under section 3 of  
15 the Suffolk County Tax Act to be charged by Suffolk county to towns or  
16 special districts or by towns to school districts may be financed pursu-  
17 ant to the local finance law. The period of probable usefulness for such  
18 payments is hereby determined to be ten years.

19 S 8. Paragraph a of section 11.00 of the local finance law is amended  
20 by adding a new subdivision 33-b to read as follows:

21 33-B. REAL PROPERTY TAX REFUNDS AND CREDITS. PAYMENTS OF REFUNDS OR  
22 CREDITS FOR REAL PROPERTY TAX, SEWER AND WATER RENTS, RATES AND CHARGES  
23 AND ALL OTHER REAL PROPERTY TAXES TO BE MADE BY A MUNICIPALITY, SCHOOL  
24 DISTRICT OR DISTRICT CORPORATION AS A RESULT OF HURRICANE SANDY OF 2012,  
25 TEN YEARS.

26 S 9. This act shall take effect immediately and shall be deemed to  
27 have been in full force and effect on and after October 28, 2012.