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

5467

2013-2014 Regular Sessions

I N A S S E M B L Y

February 27, 2013

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

AN ACT to amend the real property tax law, in relation to establishing a new residential property exemption for certain counties

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

Section 1. The real property tax law is amended by adding a new section 485-o to read as follows:

S 485-O. NEW RESIDENTIAL PROPERTY EXEMPTION; CERTAIN COUNTIES. 1. CONSTRUCTION OF QUALIFIED NEW RESIDENTIAL STRUCTURES OR TOTAL REHABILITATION OF QUALIFIED VACANT RESIDENTIAL STRUCTURES DETERMINED TO BE UNOCCUPIED HAZARDS INITIATED ON OR AFTER THE FIRST DAY OF JULY, TWO THOUSAND THIRTEEN IN COUNTIES WITH A POPULATION OF NOT LESS THAN ONE HUNDRED TEN THOUSAND AND NOT MORE THAN ONE HUNDRED FIFTEEN THOUSAND, BASED UPON THE TWO THOUSAND TEN FEDERAL CENSUS MAY BE EXEMPT FROM MUNICIPAL TAXATION AS PROVIDED IN THIS SECTION.

2. FOR THE PURPOSES OF THIS SECTION, "MUNICIPALITY" MEANS ANY TOWN, CITY, VILLAGE OR OTHER TAXING ENTITY LOCATED IN A COUNTY WITH A POPULATION OF NOT LESS THAN NINE THOUSAND AND NOT MORE THAN TEN THOUSAND, BASED UPON THE TWO THOUSAND TEN FEDERAL CENSUS, AND WHICH HAS ADOPTED BY LOCAL LAW THE EXEMPTION OF REAL PROPERTY FROM TAXATION AS PROVIDED IN THIS SECTION.

3. (A) (I) SUCH QUALIFIED RESIDENTIAL REAL PROPERTY SHALL BE EXEMPT IN ACCORDANCE WITH THE APPLICABLE EXEMPTION SCHEDULE SET FORTH IN THIS PARAGRAPH AND SUCH EXEMPTION SHALL BE COMPUTED WITH RESPECT TO THE "EXEMPTION BASE". THE EXEMPTION BASE SHALL BE THE INCREASE IN THE ASSESSED VALUE DUE TO QUALIFIED IMPROVEMENTS AS DETERMINED IN THE INITIAL YEAR OF THE APPLICABLE EXEMPTION PRICE FOLLOWING THE FILING OF AN ORIGINAL APPLICATION, PROVIDED THAT THE APPLICATION RELATIVE TO THE REHABILITATION OF A QUALIFIED VACANT RESIDENTIAL STRUCTURE DETERMINED TO

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

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BE AN UNOCCUPIED HAZARD SHALL BE PRE-APPROVED BY THE MUNICIPALITY AS PROVIDED IN THIS SECTION.

(II) CONSTRUCTION OF QUALIFIED NEW RESIDENTIAL STRUCTURE OR TOTAL REHABILITATION OF PRE-APPROVED QUALIFIED RESIDENTIAL STRUCTURE DETERMINED TO BE AN UNOCCUPIED HAZARD

YEAR	PERCENTAGE OF EXEMPTION
1	100%
2	100%
3	100%
4	100%
5	100%
6	100%
7	80%
8	60%
9	40%
10	20%

(III) ANY APPLICATION SUBMITTED BY THE PROPERTY OWNER FOR THE EXEMPTION RELATIVE TO THE REHABILITATION OF A RESIDENTIAL STRUCTURE DETERMINED TO BE AN OCCUPIED HAZARD SHALL REQUIRE PRE-APPROVAL BY THE ASSESSOR OF SUCH MUNICIPALITY AND THE DIRECTOR OF CODE ENFORCEMENT WHICH PRE-APPROVAL SHALL BE IN WRITING AND SHALL CERTIFY THAT THE STRUCTURE TO BE TOTALLY REHABILITATED QUALIFIES AS AN UNOCCUPIED HAZARD. THE FAILURE OF THE APPLICANT TO APPLY OR RECEIVE SUCH PRE-APPROVAL FOR ANY EXEMPTION RELATIVE TO THE TOTAL REHABILITATION OF A QUALIFIED RESIDENTIAL STRUCTURE DETERMINED TO BE AN UNOCCUPIED HAZARD SHALL DISQUALIFIED THE SUBJECT PROPERTY FROM ELIGIBILITY FOR ANY EXEMPTION PURSUANT TO THIS SECTION AND THE MUNICIPALITY'S LOCAL LAW.

(IV) FOR PURPOSES OF ELIGIBILITY FOR THE TOTAL REHABILITATION OF A RESIDENTIAL STRUCTURE, A QUALIFIED RESIDENTIAL STRUCTURE DETERMINED TO BE AN UNOCCUPIED HAZARD, AN UNOCCUPIED HAZARD SHALL BE DEFINED AS ANY RESIDENTIAL BUILDING OR STRUCTURE OR A SUBSTANTIAL PART THEREOF WHICH REMAINS UNOCCUPIED FOR A PERIOD OF MORE THAN ONE YEAR WITH EITHER DOORS, WINDOWS, OR OTHER OPENINGS BROKEN, REMOVED, BOARDED OR SEALED UP.

(V) FOR PURPOSES OF ELIGIBILITY FOR THE CONSTRUCTION OF A QUALIFIED NEW RESIDENTIAL STRUCTURE, THE NEW RESIDENTIAL PROPERTY MUST BE A ONE OR TWO FAMILY RESIDENCE. NEW RESIDENTIAL REAL PROPERTY CONSTRUCTED WHICH IS GREATER THAN A ONE OR TWO FAMILY RESIDENCE SHALL IN NO EVENT BE ELIGIBLE FOR REAL PROPERTY TAX EXEMPTIONS AUTHORIZED BY THIS SECTION.

4. SUCH EXEMPTION FOR THE CONSTRUCTION OF A QUALIFIED NEW RESIDENTIAL REAL PROPERTY SHALL BE GRANTED ONLY UPON APPLICATION BY THE OWNER OF SUCH REAL PROPERTY. SUCH EXEMPTION FOR A TOTAL REHABILITATION OF A QUALIFIED RESIDENTIAL STRUCTURE DETERMINED TO BE AN UNOCCUPIED HAZARD SHALL BE GRANTED ONLY UPON APPLICATION BY THE OWNER OF SUCH REAL PROPERTY WHO HAS BEEN PRE-APPROVED IN ACCORDANCE WITH THE REQUIREMENTS OF SUBPARAGRAPH (III) OF PARAGRAPH (A) OF SUBDIVISION THREE OF THIS SECTION. SUCH APPLICATION SHALL BE FILED WITH THE ASSESSOR OF A MUNICIPALITY WITH A COUNTY POPULATION OF NOT LESS THAN ONE HUNDRED TEN THOUSAND AND NOT MORE THAN ONE HUNDRED FIFTEEN THOUSAND BASED UPON THE TWO THOUSAND TEN FEDERAL CENSUS, ON OR BEFORE THE APPROPRIATE TAXABLE STATUS DATE OF SUCH MUNICIPALITY AND WITHIN ONE YEAR FROM THE DATE OF COMPLETION OF SUCH CONSTRUCTION OF QUALIFIED RESIDENTIAL STRUCTURE IMPROVEMENTS.

5. IF THE ASSESSOR OF SUCH MUNICIPALITY IS SATISFIED THAT THE APPLICANT IS ENTITLED TO AN EXEMPTION PURSUANT TO THIS SECTION, HE OR SHE SHALL APPROVE THE APPLICATION AND SUCH REAL PROPERTY SHALL THEREAFTER BE

EXEMPT FROM TAXATION AND SPECIAL AD VALOREM LEVIES BY A MUNICIPALITY AS PROVIDED IN THIS SECTION COMMENCING WITH THE ASSESSMENT ROLL PREPARED AFTER THE TAXABLE STATUS DATE REFERRED TO IN SUBDIVISION FOUR OF THIS SECTION. THE ASSESSED VALUE OF ANY EXEMPTION GRANTED PURSUANT TO THIS SECTION SHALL BE ENTERED BY THE ASSESSOR OF SUCH MUNICIPALITY ON THE ASSESSMENT ROLL WITH THE TAXABLE PROPERTY, WITH THE AMOUNT OF THE EXEMPTION SHOWN IN A SEPARATE COLUMN.

6. IN THE EVENT THAT REAL PROPERTY GRANTED AN EXEMPTION PURSUANT TO THIS SECTION CEASES TO BE USED PRIMARILY FOR PURPOSES AS PROVIDED IN SUBDIVISION (V) OF PARAGRAPH (A) OF SUBDIVISION THREE OF THIS SECTION THE EXEMPTION GRANTED PURSUANT TO THIS SECTION SHALL CEASE.

7. A MUNICIPALITY WITHIN A COUNTY WITH A POPULATION OF NOT LESS THAN ONE HUNDRED TEN THOUSAND AND NOT MORE THAN ONE HUNDRED FIFTEEN THOUSAND, BASED UPON THE TWO THOUSAND TEN FEDERAL CENSUS MAY ESTABLISH BY A LOCAL LAW A DATE FOR THE COMMENCEMENT OF EFFECTIVENESS OF THE EXEMPTION OFFERED PURSUANT TO THIS SECTION. IN ADDITION, SUCH MUNICIPALITY IS AUTHORIZED TO ESTABLISH PROCEDURES IN SUCH LOCAL LAW FOR THE ELIMINATION OF THE EXEMPTION FOR AN OTHERWISE QUALIFIED RESIDENTIAL PROPERTY WHICH IS DETERMINED BY THE ASSESSOR OF SUCH MUNICIPALITY AND THE DIRECTOR OF CODE ENFORCEMENT TO HAVE SERIOUS CODE VIOLATIONS, AS DEFINED BY THE MUNICIPALITY IN SUCH LOCAL LAW, AT ANY TIME SUBSEQUENT TO THE APPROVAL OF THE APPLICATION FOR REAL PROPERTY TAX EXEMPTION PURSUANT TO THIS SECTION AND WHICH SERIOUS CODE VIOLATIONS HAVE NOT BEEN CORRECTED AND ANY JUDGMENTS AND/OR FINES, PENALTIES AND COSTS, IF ANY, HAVE NOT BEEN PAID IN ACCORDANCE WITH THE APPLICABLE LAWS, LOCAL LAW, ORDINANCES, RULES AND REGULATIONS. NOTWITHSTANDING THE FOREGOING, THE ELIMINATION OF ANY SUCH EXEMPTION SHALL TAKE EFFECT ON THE ASSESSMENT ROLL BASED ON THE NEXT TAXABLE STATUS DATE SUBSEQUENT TO THE MUNICIPALITY'S DETERMINATION TO ELIMINATE THE EXEMPTION. A COPY OF ALL SUCH LOCAL LAWS SHALL BE FILED WITH THE COMMISSIONER AND THE ASSESSOR OF SUCH COUNTY AND MUNICIPALITY.

S 2. This act shall take effect immediately.