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

1785

2013-2014 Regular Sessions

I N S E N A T E

(PREFILED)

January 9, 2013

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 small claims

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

Section 1. Subdivision 1 of section 730 of the real property tax law, as amended by chapter 552 of the laws of 1991, paragraph (b) as amended by chapter 154 of the laws of 1993, paragraph (c) as amended by chapter 215 of the laws of 2005 and the closing paragraph as added by chapter 114 of the laws of 2012, is amended to read as follows:

1. The chief administrator of the courts shall establish a small claims assessment review program in the supreme court. An owner of real property claiming to be aggrieved by an assessment on real property on the ground that such assessment is unequal or excessive may file a petition for review pursuant to this article provided that:

(a) the property owner shall have first filed a complaint pursuant to section five hundred twenty-four or section fourteen hundred eight of this chapter or the provisions of a local law or charter providing for administrative review of assessments;

(b) the property is: (i) improved by a one, two or three family owner-occupied structure used exclusively for residential purposes other than property subject to the assessment limitations of section five hundred eighty-one of this chapter and article nine-B of the real property law or (ii) the property is unimproved and is not of sufficient size as determined by the assessing unit or special assessing unit to contain a one, two or three family residential structure;

(c) the equalized value of the property does not exceed four hundred fifty thousand dollars or, in the event such equalized value exceeds four hundred fifty thousand dollars, the total assessment reduction

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

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requested does not exceed twenty-five percent of the assessed value of the property; [and]

(d) the petition shall not request an assessment lower than that requested in the complaint filed pursuant to section five hundred twenty-four or fourteen hundred eight of this chapter or the provisions of a local law or charter providing for administrative review of assessments[.]; AND

(E) THE PETITION SHALL ESTABLISH THAT THE PROPERTY IS OVERVALUED BY AT LEAST TEN PERCENT FROM THE EQUALIZED VALUE AS APPEARING ON THE ASSESSMENT ROLL. THE PETITIONER SHALL SUBMIT SUPPORTING DOCUMENTATION WITH THE PETITION.

For the purpose of this section, the equalized value of the property shall equal the assessed value of the property divided by the most recent equalization rate or, in the case of a special assessing unit, the most recent class one ratio, when established. In the event there has been a material change in the level of assessment the special equalization rate shall be used to determine the equalized value of the property.

An owner of real property who qualifies under paragraphs (a) through (d) of this subdivision shall also include:

(i) a person or persons whose real property is held in trust solely for the benefit of such person or persons if the property serves as the primary residence of such person or persons and the trust which holds title to the property was lawfully created to hold title solely for estate planning and asset protection purposes; and

(ii) a person or persons who reside in real property which is owned by a limited partnership if the property serves as the primary residence of such person or persons and said limited partnership does not engage in any commercial activity, was lawfully created to hold title solely for estate planning and asset protection purposes and the partner or partners who primarily reside thereon personally pay all of the real property taxes and other costs associated with the property's ownership.

S 2. Section 733 of the real property tax law is amended by adding a new subdivision 4-a to read as follows:

4-A. IF THE PETITIONER FAILS TO PROVE THAT THERE IS AN OVERVALUATION THAT EXCEEDS TEN PERCENT, THE HEARING OFFICER MAY NOT ADJUST THE ASSESSMENT AND THE PETITION MUST BE DISMISSED.

S 3. This act shall take effect immediately.