

2216--A

2013-2014 Regular Sessions

I N S E N A T E

January 14, 2013

Introduced by Sen. CARLUCCI -- read twice and ordered printed, and when printed to be committed to the Committee on Local Government -- recommended to the Committee on Local Government in accordance with Senate Rule 6, sec. 8 -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

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:

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

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1 (A) UPON FINAL COMPLETION EACH YEAR OF THE ASSESSMENT ROLL OF EACH
2 CITY, TOWN AND VILLAGE, THE COMMISSIONER SHALL ESTABLISH THE COMMERCIAL
3 ASSESSMENT RATIO FOR SUCH CITY, TOWN OR VILLAGE PROVIDED THAT (I) THE
4 COMMISSIONER IS REQUIRED BY LAW TO ESTABLISH A STATE EQUALIZATION RATE
5 FOR SUCH CITY, TOWN OR VILLAGE, AND HAS ESTABLISHED SUCH EQUALIZATION
6 RATE, AND (II) THAT SUCH CITY, TOWN OR VILLAGE IS NOT A SPECIAL ASSESS-
7 ING UNIT AS DEFINED IN SECTION EIGHTEEN HUNDRED ONE OF THIS CHAPTER, AND
8 (III) THE CITY, TOWN OR VILLAGE IS NOT COMPLETING A REVALUATION OR
9 UPDATE. IN THE CASE OF A CITY IN A COUNTY HAVING A COUNTY DEPARTMENT OF
10 ASSESSMENT WITH THE POWER TO ASSESS REAL PROPERTY, THE COMMISSIONER ALSO
11 SHALL ESTABLISH A COMMERCIAL ASSESSMENT RATIO FOR THAT PORTION OF THE
12 COUNTY ROLL CONTAINING THE ASSESSMENTS OF TAXABLE REAL PROPERTY IN SUCH
13 CITY.

14 (B) SUCH COMMERCIAL ASSESSMENT RATIO SHALL BE THE MARKET VALUE RATIO
15 FOR MAJOR TYPE B PROPERTY FOR NON-REASSESSMENT MUNICIPALITIES ESTAB-
16 LISHED PURSUANT TO THE RULES, REGULATIONS AND PROCEDURES PROMULGATED BY
17 THE COMMISSIONER FOR THE ESTABLISHMENT OF STATE EQUALIZATION RATES.

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

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

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

29 S 3. This act shall take effect immediately and shall apply beginning
30 with the assessment roll next succeeding the date on which it shall have
31 become a law.