

7705--A

I N S E N A T E

May 30, 2014

Introduced by COMMITTEE ON RULES -- read twice and ordered printed, and when printed to be committed to the Committee on Rules -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

AN ACT to amend the Nassau county administrative code, in relation to the levy and extension of real property taxes on class four real property

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

1 Section 1. Chapter 272 of the laws of 1939, constituting the Nassau
2 county administrative code, is amended by adding a new section 6-41.0 to
3 read as follows:

4 S 6-41.0 LEVY AND EXTENSION OF TAXES; CLASS FOUR REAL PROPERTY.
5 NOTWITHSTANDING ANY PROVISION OF LAW TO THE CONTRARY, IN A SPECIAL
6 ASSESSING UNIT WHICH IS NOT A CITY, ALL REAL PROPERTY TAXES ON REAL
7 PROPERTY CLASSIFIED AS CLASS FOUR UNDER SECTION EIGHTEEN HUNDRED TWO OF
8 THE REAL PROPERTY TAX LAW ON THE FINAL ASSESSMENT ROLL SHALL BE LEVIED
9 AND EXTENDED IN THE FOLLOWING MANNER:

10 A. SUCH TAXES SHALL BE LEVIED AND EXTENDED ON EACH PROPERTY'S ASSESS-
11 MENT ON THE FINAL ASSESSMENT ROLL EXCEPT AS PROVIDED IN THIS SECTION.
12 WHERE A TIMELY PROCEEDING UNDER TITLE ONE OF ARTICLE SEVEN OF THE REAL
13 PROPERTY TAX LAW HAS BEEN INITIATED THE ASSESSED VALUE UPON WHICH TAXES
14 ARE LEVIED AND EXTENDED SHALL BE THE ASSESSMENT CLAIMED ON THE PETITION
15 INITIATING SUCH TIMELY PROCEEDING; PROVIDED HOWEVER, THAT WHERE SUCH
16 TIMELY PETITION CLAIMS A REDUCTION GREATER THAN NINE PERCENT OF A PROP-
17 ERTY'S ASSESSMENT ON THE FINAL ASSESSMENT ROLL TAXES SHALL BE LEVIED AND
18 EXTENDED ON THE TAX ROLL EQUAL TO NINETY-ONE PERCENT OF SUCH PROPERTY'S
19 ASSESSMENT ON THE FINAL ASSESSMENT ROLL UNLESS THE ASSESSOR IN HIS OR
20 HER DISCRETION BASED ON REASONABLE EVIDENCE DETERMINES THAT IT IS IN THE
21 BEST INTEREST OF THE COUNTY TO LEVY AND EXTEND TAXES BASED ON A CLAIMED
22 REDUCTION GREATER THAN NINE PERCENT SUCH THAT TAXES SHALL BE LEVIED AND
23 EXTENDED BASED ON SUCH REDUCED ASSESSMENT.

24 B. EACH PROPERTY WHERE TAXES ARE LEVIED AND EXTENDED BASED ON THE
25 ASSESSMENT CONTAINED IN A PETITION PURSUANT TO TITLE ONE OF ARTICLE

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

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1 SEVEN OF THE REAL PROPERTY TAX LAW AS PROVIDED FOR IN SUBDIVISION A OF
2 THIS SECTION SHALL BE RESPONSIBLE FOR PAYING A DISPUTED ASSESSMENT
3 CHARGE. THE AMOUNT OF SUCH DISPUTED ASSESSMENT CHARGE SHALL BE DETER-
4 MINED NOTWITHSTANDING ANY PROVISION OF LAW TO THE CONTRARY BY SUBTRACT-
5 ING THE ASSESSMENT ON THE TAX ROLL UPON WHICH TAXES WERE LEVIED AND
6 EXTENDED FROM THE PROPERTY'S ASSESSMENT ON THE FINAL ASSESSMENT ROLL
7 WITH THE DIFFERENCE THEN MULTIPLIED BY THE TAX RATES APPLIED TO THE
8 ASSESSMENT ON THE TAX ROLL UPON WHICH TAXES WERE LEVIED AND EXTENDED.
9 SUCH DISPUTED ASSESSMENT CHARGE SHALL BE CALCULATED, COLLECTED AND
10 ADMINISTERED IN THE SAME MANNER AS NASSAU COUNTY REAL PROPERTY TAXES.

11 C. THE DISPUTED ASSESSMENT CHARGE SHALL APPEAR AS A SEPARATE ITEM ON
12 THE BILL SUBMITTED TO PROPERTY OWNERS BY EACH RECEIVER OF TAXES. THE
13 REVENUES FROM SUCH CHARGES SHALL BE PLACED IN A SPECIAL REVENUE FUND
14 HEREBY ESTABLISHED AS THE DISPUTED ASSESSMENT FUND WHICH SHALL BE MAIN-
15 TAINED AND ADMINISTERED BY THE NASSAU COUNTY TREASURER. THE MONIES IN
16 SUCH FUND SHALL BE USED SOLELY FOR THE PURPOSES SPECIFIED IN THIS
17 SECTION.

18 D. REFUNDS OF REAL PROPERTY TAXES ON CLASS FOUR PROPERTIES RESULTING
19 FROM A SETTLEMENT OR FINAL ORDER FROM A COURT OF COMPETENT JURISDICTION
20 ON A PETITION PURSUANT TO TITLE ONE OF ARTICLE SEVEN OF THE REAL PROPER-
21 TY TAX LAW OR A DETERMINATION OR STIPULATION BY THE ASSESSMENT REVIEW
22 COMMISSION SHALL BE PAID FROM THE DISPUTED ASSESSMENT FUND.

23 E. ANY MONIES PAID INTO THE DISPUTED ASSESSMENT FUND WITH RESPECT TO A
24 PROPERTY REMAINING AFTER PROCEEDINGS UNDER TITLE ONE OF ARTICLE SEVEN OF
25 THE REAL PROPERTY TAX LAW HAVE BEEN SETTLED OR OTHERWISE FINALLY DETER-
26 MINED BY A COURT OF COMPETENT JURISDICTION OR THE ASSESSMENT REVIEW
27 COMMISSION SHALL BE DISTRIBUTED PRO RATA TO THE COUNTY AND THE APPLICA-
28 BLE SCHOOL DISTRICT, TOWN AND SPECIAL DISTRICTS.

29 F. THE LEVY AND EXTENSION OF TAXES BASED ON THE PETITION INITIATING A
30 TIMELY PROCEEDING AS PROVIDED IN SUBDIVISION A OF THIS SECTION SHALL NOT
31 AFFECT THE APPLICATION OF ANY OTHER PROVISION OF LAW EXCEPT AS EXPRESSLY
32 PROVIDED IN THIS SECTION.

33 S 2. Severability. If any provision of this act or if any application
34 thereof to any person or circumstances is held invalid, the remainder of
35 this act and the application of the provision to other persons and
36 circumstances shall not be affected thereby.

37 S 3. This act shall take effect immediately and shall apply to real
38 property taxes and other amounts levied and extended based on the 2016-
39 -2017 tax roll and each tax roll thereafter.