

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

511--A

2013-2014 Regular Sessions

I N A S S E M B L Y

(PREFILED)

January 9, 2013

Introduced by M. of A. ABINANTI -- read once and referred to the Committee on Real Property Taxation -- recommitted to the Committee on Real Property Taxation in accordance with Assembly Rule 3, sec. 2 -- 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 COUNTY COMMERCIAL ASSESSMENT RATIO. 1. FOR
4 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 DESIGNATED
8 AS COMMERCIAL PROPERTY INCLUDING APARTMENTS, INDUSTRIAL PROPERTY,
9 RECREATION AND ENTERTAINMENT PROPERTY, TAXABLE COMMUNITY SERVICES PROPERTY,
10 AND PUBLIC SERVICES PROPERTY NOT CONTAINED WITH MAJOR TYPE D PROPERTY;
11 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.

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

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1 2. NOTWITHSTANDING ANY OTHER PROVISION OF LAW TO THE CONTRARY, FOR AN
2 ASSESSING UNIT CONTAINED IN ANY COUNTY WITH A POPULATION OF MORE THAN
3 NINE HUNDRED TWENTY-THREE THOUSAND BUT LESS THAN NINE HUNDRED
4 TWENTY-FOUR THOUSAND AS DETERMINED BY THE TWO THOUSAND FEDERAL DECENNIAL
5 CENSUS THERE SHALL BE ESTABLISHED A COMMERCIAL ASSESSMENT RATIO AS
6 FOLLOWS:

7 (A) SIXTY DAYS PRIOR TO THE DATE FOR FILING THE TENTATIVE ASSESSMENT
8 ROLL OF AN ASSESSING UNIT, THE COMMISSIONER SHALL ESTABLISH THE COMMER-
9 CIAL ASSESSMENT RATIO FOR SUCH CITY, TOWN OR VILLAGE PROVIDED THAT (I)
10 THE COMMISSIONER IS REQUIRED BY LAW TO ESTABLISH A STATE EQUALIZATION
11 RATE FOR SUCH CITY, TOWN OR VILLAGE, AND HAS ESTABLISHED SUCH EQUALIZA-
12 TION RATE, AND (II) THAT SUCH CITY, TOWN OR VILLAGE IS NOT A SPECIAL
13 ASSESSING UNIT AS DEFINED IN SECTION EIGHTEEN HUNDRED ONE OF THIS CHAP-
14 TER, AND (III) THE CITY, TOWN OR VILLAGE IS NOT COMPLETING A REVALUATION
15 OR UPDATE. IN THE CASE OF A CITY IN A COUNTY HAVING A COUNTY DEPARTMENT
16 OF ASSESSMENT WITH THE POWER TO ASSESS REAL PROPERTY, THE COMMISSIONER
17 ALSO SHALL ESTABLISH A COMMERCIAL ASSESSMENT RATIO FOR THAT PORTION OF
18 THE COUNTY ROLL CONTAINING THE ASSESSMENTS OF TAXABLE REAL PROPERTY IN
19 SUCH CITY.

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

24 (C) NOTWITHSTANDING THE PROVISIONS OF SUBDIVISION ONE OF THIS SECTION,
25 A CITY, TOWN, OR VILLAGE MAY BY LOCAL LAW PROVIDE THAT NO COMMERCIAL
26 ASSESSMENT RATIO SHALL BE APPLICABLE WITHIN ITS JURISDICTION.

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

30 (E) IN ASSESSING UNITS THAT HAVE AN ESTABLISHED COUNTY COMMERCIAL
31 ASSESSMENT RATIO OTHER THAN SPECIAL ASSESSING UNITS AS DEFINED IN
32 SECTION EIGHTEEN HUNDRED ONE OF THIS CHAPTER, AND UPON THE REVIEW OF AN
33 ASSESSMENT OF MAJOR TYPE B PROPERTY AS DEFINED IN SECTION TWELVE HUNDRED
34 FIFTEEN OF THIS CHAPTER, THE COMMERCIAL ASSESSMENT RATIO ESTABLISHED FOR
35 THE ROLL CONTAINING THE ASSESSMENT UNDER REVIEW.

36 S 3. This act shall take effect immediately and shall apply beginning
37 with the 2014 assessment roll.