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

8855

I N A S S E M B L Y

February 25, 2014

Introduced by M. of A. SCHIMMINGER -- 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 green development home tax exemption in Erie county

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 431 to read as follows:

S 431. ERIE COUNTY GREEN DEVELOPMENT HOME TAX EXEMPTION. 1. AS USED IN THIS SECTION, THE FOLLOWING TERMS SHALL HAVE THE FOLLOWING MEANINGS:

(A) "APPLICANT" MEANS ANY PERSON OBLIGATED TO PAY REAL PROPERTY TAXES ON THE PROPERTY FOR WHICH AN EXEMPTION FROM REAL PROPERTY TAXES UNDER THIS SECTION IS SOUGHT.

(B) "CERTIFIED SILVER" SHALL MEAN (I) CERTIFIED BY THE NAHB NATIONAL GREEN BUILDING CERTIFICATION PROGRAM AT A PERFORMANCE POINT LEVEL OF SILVER OR BETTER, OR (II) LEED FOR NEW CONSTRUCTION CERTIFIED SILVER OR BETTER.

(C) "GREEN DEVELOPMENT NEIGHBORHOOD" SHALL MEAN A SUBDIVISION, CONSISTING OF NEW ONE, TWO OR THREE FAMILY RESIDENCES THAT IS (A) EITHER A GREEN DEVELOPMENT OR LEED-ND CERTIFIED, AND (B) SUBJECT TO DEED RESTRICTIONS OR OTHER COVENANTS RUNNING WITH THE LAND WHICH REQUIRE ALL RESIDENCES WITHIN THE SUBDIVISION TO BE CONSTRUCTED SO AS TO BE CERTIFIED SILVER.

(D) "GREEN DEVELOPMENT" SHALL MEAN A SUBDIVISION DEVELOPMENT WITH A PERFORMANCE POINT LEVEL OF FOUR STARS AS RATED BY THE NAHB.

(E) "LEED" SHALL MEAN THE UNITED STATES GREEN BUILDING COUNCIL LEADERSHIP IN ENERGY AND ENVIRONMENTAL DESIGN RATING SYSTEM.

(F) "RESIDENCE" SHALL MEAN A ONE, TWO OR THREE FAMILY RESIDENTIAL STRUCTURE.

(G) "LEED-ND" SHALL MEAN LEED FOR NEIGHBORHOOD DEVELOPMENT.

(H) "NAHB" SHALL MEAN THE NATIONAL ASSOCIATION OF HOME BUILDERS.

(I) "PERSON" MEANS AN INDIVIDUAL, CORPORATION, LIMITED LIABILITY COMPANY, PARTNERSHIP, ASSOCIATION, AGENCY, TRUST, ESTATE, FOREIGN OR DOMESTIC GOVERNMENT OR SUBDIVISION THEREOF, OR OTHER ENTITY.

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

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2. (A) THE COUNTY OF ERIE MAY, BY LOCAL LAW, PROVIDE FOR THE EXEMPTION OF REAL PROPERTY FROM TAXATION AS PROVIDED IN THIS SECTION. ERIE COUNTY MAY, BY LOCAL LAW, AND ANY SCHOOL DISTRICT, ALL OR PART OF WHICH IS LOCATED IN SUCH COUNTY, MAY, BY RESOLUTION, EXEMPT SUCH PROPERTY FROM ITS TAXATION IN THE SAME MANNER AND TO THE SAME EXTENT AS SUCH COUNTY. UPON THE ADOPTION OF SUCH A LOCAL LAW, RESIDENTIAL AND COMMON AREA REAL PROPERTY WITHIN A GREEN DEVELOPMENT NEIGHBORHOOD MEETING THE REQUIREMENTS OF PARAGRAPH (B) OF THIS SUBDIVISION SHALL BE EXEMPT FROM TAXATION AND SPECIAL AD VALOREM LEVIES TO THE EXTENT OF THIRTY-FIVE PERCENT OF THE ASSESSED VALUE OF SUCH REAL PROPERTY. SUCH LOCAL LAW SHALL PROVIDE FOR THE PERIOD OF TIME DURING WHICH SUCH EXEMPTION SHALL CONTINUE, BUT IN NO EVENT LONGER THAN TWENTY YEARS FOR EACH PARCEL WHICH APPLIES FOR SUCH EXEMPTION.

(B) UPON OBTAINING A LEED-ND CERTIFICATION OR GREEN DEVELOPMENT CERTIFICATION, A DEVELOPER SHALL FILE WITH THE TAX ASSESSOR OF THE ASSESSING UNIT A COPY OF SUCH CERTIFICATION TOGETHER WITH A MAP OF THE SUBDIVISION AND EVIDENCE THAT ALL OF THE RESIDENTIAL PARCELS WITHIN THE SUBDIVISION ARE SUBJECT TO DEED RESTRICTIONS OR COVENANTS RUNNING WITH THE LAND WHICH REQUIRE RESIDENCES TO BE CONSTRUCTED SO AS TO BE CERTIFIED SILVER. INDIVIDUAL RESIDENTIAL PARCELS WITHIN THE SUBDIVISION SHALL BE ENTITLED TO A TAX EXEMPTION AS PROVIDED IN THE LOCAL LAW OR RESOLUTION UPON SUBMISSION TO THE TAX ASSESSOR OF DOCUMENTATION THAT THE CONSTRUCTION IS CERTIFIED SILVER. COMMON AREA AND VACANT PARCELS WITHIN THE SUBDIVISION SHALL BE EXEMPT AS PROVIDED IN THE LOCAL LAW OR RESOLUTION UPON SUBMISSION OF THE CERTIFICATION AND MAP TO THE ASSESSOR BY THE DEVELOPER.

(C) AN EXEMPTION UNDER THIS SECTION SHALL BE GRANTED ONLY UPON APPLICATION BY THE OWNER OF SUCH REAL PROPERTY ON A FORM PRESCRIBED BY THE COMMISSIONER. SUCH APPLICATION SHALL BE FILED WITH THE ASSESSOR OF ERIE COUNTY HAVING THE POWER TO ASSESS PROPERTY FOR TAXATION ON OR BEFORE THE APPROPRIATE TAXABLE STATUS DATE OF SUCH MUNICIPALITY OR COUNTY.

(D) IF THE ASSESSOR 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 AS PROVIDED IN THIS SECTION COMMENCING WITH THE ASSESSMENT ROLL PREPARED AFTER THE TAXABLE STATUS DATE FOLLOWING THE SUBMISSION OF AN APPLICATION TO THE ASSESSOR. THE ASSESSED VALUE OF ANY EXEMPTION GRANTED PURSUANT TO THIS SECTION SHALL BE ENTERED BY THE ASSESSOR ON THE ASSESSMENT ROLL WITH THE TAXABLE PROPERTY, WITH THE AMOUNT OF THE EXEMPTION SHOWN IN A SEPARATE COLUMN.

(E) NO SUCH EXEMPTION SHALL BE GRANTED UNLESS CONSTRUCTION OF RESIDENCES WITHIN A GREEN DEVELOPMENT NEIGHBORHOOD WAS COMMENCED SUBSEQUENT TO THE DATE ON WHICH THE LOCAL LAW TOOK EFFECT.

S 2. This act shall take effect on the one hundred twentieth day after it shall have become a law. Effective immediately, the addition, amendment and/or repeal of any rule or regulation necessary for the implementation of this act on its effective date is authorized to be made on or before such date.