

5234

2013-2014 Regular Sessions

I N S E N A T E

May 14, 2013

Introduced by Sen. MAZIARZ -- read twice and ordered printed, and when printed to be committed to the Committee on Energy and Telecommunications

AN ACT to amend the public service law and the real property tax law, in relation to utility real property

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

1 Section 1. Section 2 of the public service law is amended by adding a
2 new subdivision 28 to read as follows:

3 28. THE TERM "UTILITY REAL PROPERTY" SHALL MEAN UTILITY REAL PROPERTY
4 AS SUCH TERM IS DEFINED IN SECTION EIGHTEEN HUNDRED ONE OF THE REAL
5 PROPERTY TAX LAW.

6 S 2. The public service law is amended by adding a new section 73 to
7 read as follows:

8 S 73. COORDINATION WITH THE DEPARTMENT OF TAXATION AND FINANCE. FOR
9 THE PURPOSE OF DETERMINING POTENTIAL RATEPAYER IMPACT, THE COMMISSION
10 MAY, AT ITS DISCRETION, COORDINATE WITH THE COMMISSIONER OF THE DEPART-
11 MENT OF TAXATION AND FINANCE TO OBTAIN DATA RELATING TO THE CLASSIFICA-
12 TION OF UTILITY REAL PROPERTY PURSUANT TO SECTIONS EIGHTEEN HUNDRED TWO
13 AND EIGHTEEN HUNDRED TWO-A OF THE REAL PROPERTY TAX LAW.

14 S 3. The section heading and the opening paragraph of subdivision 1 of
15 section 1802 of the real property tax law, the section heading as added
16 by chapter 1057 of the laws of 1981 and the opening paragraph of subdivi-
17 sion 1 as separately amended by chapters 123 and 529 of the laws of
18 1990, are amended to read as follows:

19 Classification of real property in a special assessing unit NOT
20 LOCATED WHOLLY WITHIN A CITY.

21 All real property, for the purposes of this article, in a special
22 assessing unit NOT LOCATED WHOLLY WITHIN A CITY shall be classified as
23 follows:

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

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1 S 4. The real property tax law is amended by adding a new section
2 1802-a to read as follows:

3 S 1802-A. CLASSIFICATION OF REAL PROPERTY IN A SPECIAL ASSESSING UNIT
4 LOCATED WHOLLY WITHIN A CITY. 1. ALL REAL PROPERTY, FOR THE PURPOSES OF
5 THIS ARTICLE, IN A SPECIAL ASSESSING UNIT LOCATED WHOLLY WITHIN A CITY
6 SHALL BE CLASSIFIED AS FOLLOWS:

7 CLASS ONE: (A) ALL ONE, TWO AND THREE FAMILY RESIDENTIAL REAL PROPER-
8 TY, INCLUDING SUCH DWELLINGS USED IN PART FOR NONRESIDENTIAL PURPOSES
9 BUT WHICH ARE USED PRIMARILY FOR RESIDENTIAL PURPOSES, EXCEPT SUCH PROP-
10 ERTY HELD IN COOPERATIVE OR CONDOMINIUM FORMS OF OWNERSHIP OTHER THAN
11 (I) PROPERTY DEFINED IN SUBPARAGRAPHS (B) AND (C) OF THIS PARAGRAPH AND
12 (II) PROPERTY WHICH CONTAINS NO MORE THAN THREE DWELLING UNITS HELD IN
13 CONDOMINIUM FORM OF OWNERSHIP AND WHICH WAS CLASSIFIED WITHIN THIS CLASS
14 ON A PREVIOUS ASSESSMENT ROLL; AND PROVIDED THAT, NOTWITHSTANDING THE
15 PROVISIONS OF PARAGRAPH (G) OF SUBDIVISION TWELVE OF SECTION ONE HUNDRED
16 TWO OF THIS CHAPTER, A MOBILE HOME OR A TRAILER SHALL NOT BE CLASSIFIED
17 WITHIN THIS CLASS UNLESS IT IS OWNER-OCCUPIED AND SEPARATELY ASSESSED;
18 AND (B) RESIDENTIAL REAL PROPERTY NOT MORE THAN THREE STORIES IN HEIGHT
19 HELD IN CONDOMINIUM FORM OF OWNERSHIP, PROVIDED THAT NO DWELLING UNIT
20 THEREIN PREVIOUSLY WAS ON AN ASSESSMENT ROLL AS A DWELLING UNIT IN OTHER
21 THAN CONDOMINIUM FORM OF OWNERSHIP; AND (C) RESIDENTIAL REAL PROPERTY
22 CONSISTING OF ONE FAMILY HOUSE STRUCTURES OWNED BY THE OCCUPANT, SITU-
23 ATED ON LAND HELD IN COOPERATIVE OWNERSHIP BY OWNER OCCUPIERS, PROVIDED
24 THAT: (I) SUCH HOUSE STRUCTURES AND LAND CONSTITUTED BUNGALOW COLONIES
25 IN EXISTENCE PRIOR TO NINETEEN HUNDRED FORTY; AND (II) THE LAND IS HELD
26 IN COOPERATIVE OWNERSHIP FOR THE SOLE PURPOSE OF MAINTAINING ONE FAMILY
27 RESIDENCES FOR MEMBERS' OWN USE; AND (D) ALL VACANT LAND LOCATED WITHIN
28 A SPECIAL ASSESSING UNIT WHICH IS A CITY OTHER THAN SUCH LAND IN THE
29 BOROUGH OF MANHATTAN SOUTH OF OR ADJACENT TO THE SOUTH SIDE OF 110TH
30 STREET, PROVIDED THAT ANY SUCH VACANT LAND WHICH IS NOT ZONED RESIDEN-
31 TIAL MUST BE SITUATED IMMEDIATELY ADJACENT TO PROPERTY IMPROVED WITH A
32 RESIDENTIAL STRUCTURE AS DEFINED IN SUBPARAGRAPHS (A) AND (B) OF THIS
33 PARAGRAPH, BE OWNED BY THE SAME OWNER AS SUCH IMMEDIATELY ADJACENT RESI-
34 DENTIAL PROPERTY IMMEDIATELY PRIOR TO AND SINCE JANUARY FIRST, NINETEEN
35 HUNDRED EIGHTY-NINE, AND HAVE A TOTAL AREA NOT EXCEEDING TEN THOUSAND
36 SQUARE FEET.

37 CLASS TWO: ALL OTHER RESIDENTIAL REAL PROPERTY WHICH IS NOT DESIGNATED
38 AS CLASS ONE, EXCEPT HOTELS AND MOTELS AND OTHER SIMILAR COMMERCIAL
39 PROPERTY.

40 CLASS THREE: ALL OTHER REAL PROPERTY WHICH IS NOT DESIGNATED AS CLASS
41 ONE OR CLASS TWO.

42 2. IN ADDITION TO ANY REQUIREMENTS OF LAW OR RULE OF THE COMMISSIONER,
43 THE ASSESSMENT ROLL SHALL CONTAIN A SEPARATE COLUMN FOR THE ENTRY OF THE
44 CLASS DESIGNATION REQUIRED BY THIS SECTION. THE ASSESSOR SHALL ENTER THE
45 APPROPRIATE CLASS DESIGNATION IN THIS SECTION FOR EACH PARCEL LISTED ON
46 THE ASSESSMENT ROLL.

47 3. THE DETERMINATION OF INCLUSION WITHIN A CLASS PURSUANT TO THIS
48 SECTION SHALL BE SUBJECT TO ADMINISTRATIVE AND JUDICIAL REVIEW AS
49 PROVIDED BY LAW FOR THE REVIEW OF ASSESSMENTS.

50 S 5. Subdivision 3 of section 1805 of the real property tax law, as
51 amended by chapter 143 of the laws of 1989, and as further amended by
52 subdivision (b) of section 1 of part W of chapter 56 of the laws of
53 2010, is amended to read as follows:

54 3. If the assessment appearing on an assessment roll completed on or
55 after January first, nineteen hundred eighty-two for any parcel not
56 subject to the provisions of subdivision one or two of this section,

1 other than a parcel classified in class three IN A SPECIAL ASSESSING
2 UNIT NOT LOCATED WHOLLY WITHIN THE CITY, is greater than the assessment
3 appearing on the previous year's assessment roll the assessor shall
4 determine a transition assessment for such parcel for the first assess-
5 ment roll on which such greater assessment appears and for each of the
6 succeeding four assessment rolls by computing the difference between
7 such greater assessment and the assessment appearing on such previous
8 year's assessment roll and adding the following percentages of such
9 difference to the assessment appearing on such previous year's assess-
10 ment roll: in the first year, twenty percent; in the second year, forty
11 percent; in the third year, sixty percent; in the fourth year, eighty
12 percent; and in the fifth year, one hundred percent. If the assessment
13 of a parcel is increased during a period for which transition assess-
14 ments have been established because of any prior assessment increases,
15 such new increase shall be phased-in over a five-year period as set
16 forth in this subdivision, and such phased-in increases shall be added
17 to the transitional assessments previously established for the prior
18 increase; provided, however, that if in any year any such transition
19 assessment exceeds the actual assessment for such year, taxes imposed on
20 such parcel for such year shall be based on such lesser actual assess-
21 ment. Notwithstanding the foregoing, during the period of any such tran-
22 sition, the assessment roll shall contain an entry of the full amount of
23 such greater assessment which shall be used by the commissioner in its
24 determination of class ratios pursuant to paragraph (b) of subdivision
25 one of section twelve hundred two of this chapter. In establishing state
26 equalization rates, class equalization rates, special state equalization
27 rates and special state equalization ratios under [article] ARTICLES
28 twelve, article twelve-A and article twelve-B of this chapter, the
29 commissioner shall use the transition assessments as provided for in
30 this subdivision in its determinations, or where the actual assessment
31 is the lesser, such actual assessment shall be so used.

32 S 6. This act shall take effect immediately and shall be applicable to
33 assessment rolls with a taxable status date following such effective
34 date.