

5620

2015-2016 Regular Sessions

I N A S S E M B L Y

March 2, 2015

Introduced by M. of A. GOLDFEDER -- read once and referred to the
Committee on Real Property Taxation

AN ACT to amend the real property tax law, in relation to the assessment
of real property damaged by the severe storm that occurred on 29 and
30 of October, 2012 in a city having a population of one million or
more

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

- 1 Section 1. The real property tax law is amended by adding a new
2 section 1805-a to read as follows:
3 S 1805-A. ASSESSMENT OF REAL PROPERTY DAMAGED BY THE SEVERE STORM THAT
4 OCCURRED ON THE TWENTY-NINTH AND THIRTIETH OF OCTOBER, TWO THOUSAND
5 TWELVE IN A CITY HAVING A POPULATION OF ONE MILLION OR MORE. 1. GENER-
6 ALLY. NOTWITHSTANDING ANY PROVISION OF ANY GENERAL, SPECIAL OR LOCAL LAW
7 TO THE CONTRARY, ANY CITY HAVING A POPULATION OF ONE MILLION OR MORE IS
8 HEREBY AUTHORIZED AND EMPOWERED TO ADOPT AND AMEND LOCAL LAWS IN ACCORD-
9 ANCE WITH THIS SECTION TO PROVIDE THAT THE ASSESSED VALUE OF AFFECTED
10 REAL PROPERTY, AS DEFINED IN SUBDIVISION THREE OF THIS SECTION, SHALL BE
11 SUBJECT TO THE LIMITATIONS PROVIDED IN THIS SECTION.
12 2. DEFINITIONS. AS USED IN THIS SECTION:
13 (A) "AGGREGATE PHYSICAL INCREASE" MEANS THE SUM OF PHYSICAL INCREASES
14 FOR ASSESSMENT ROLLS COMPLETED FROM TWO THOUSAND FOURTEEN THROUGH TWO
15 THOUSAND TWENTY.
16 (B) "ANNUAL TAX" MEANS THE AMOUNT OF REAL PROPERTY TAX THAT IS IMPOSED
17 ON A PROPERTY FOR A FISCAL YEAR, DETERMINED AFTER REDUCTION FOR ANY
18 AMOUNT FROM WHICH THE PROPERTY IS EXEMPT, OR WHICH IS ABATED, PURSUANT
19 TO APPLICABLE LAW.
20 (C) "ANNUAL TAX ATTRIBUTABLE TO IMPROVEMENTS" MEANS THE ANNUAL TAX,
21 MULTIPLIED BY A FRACTION, THE NUMERATOR OF WHICH IS EQUAL TO THE
22 ASSESSED VALUE ATTRIBUTABLE TO IMPROVEMENTS ON THE PROPERTY FOR THE

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

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1 FISCAL YEAR, AND THE DENOMINATOR OF WHICH IS THE TOTAL ASSESSED VALUE OF
2 THE PROPERTY FOR SUCH FISCAL YEAR.

3 (D) "ASSESSED VALUE" MEANS THE ASSESSED VALUE OF REAL PROPERTY THAT
4 WAS USED TO DETERMINE THE ANNUAL TAX, AND WHICH IS NOT REDUCED BY ANY
5 EXEMPTION FROM REAL PROPERTY TAXES.

6 (E) "ASSESSED VALUE ATTRIBUTABLE TO IMPROVEMENTS" MEANS THAT PORTION
7 OF THE ASSESSED VALUE THAT WAS USED TO DETERMINE THE ANNUAL TAX ATTRIB-
8 UTABLE TO IMPROVEMENTS, AND WHICH IS NOT REDUCED BY ANY EXEMPTION FROM
9 REAL PROPERTY TAXES.

10 (F) "COMMISSIONER OF FINANCE" MEANS THE COMMISSIONER OF FINANCE OF A
11 CITY HAVING A POPULATION OF ONE MILLION OR MORE, OR HIS OR HER DESIGNEE.

12 (G) "DEPARTMENT OF FINANCE" MEANS THE DEPARTMENT OF FINANCE OF A CITY
13 HAVING A POPULATION OF ONE MILLION OR MORE.

14 (H) "IMPROVEMENTS" MEANS BUILDINGS AND OTHER ARTICLES, AND STRUCTURES,
15 SUBSTRUCTURES AND SUPERSTRUCTURES ERECTED UPON, UNDER OR ABOVE THE LAND
16 OR AFFIXED THERETO, INCLUDING BRIDGES AND WHARVES AND PIERS AND THE
17 VALUE OF THE RIGHT TO COLLECT WHARFAGE, CRANAGE OR DOCKAGE THEREON.

18 (I) "PHYSICAL DECREASE" MEANS THE DECREASE IN ASSESSED VALUE FROM THE
19 ASSESSED VALUE ON THE PRECEDING ASSESSMENT ROLL AS A RESULT OF
20 DESTRUCTION OF PROPERTY CAUSED BY THE SEVERE STORM THAT OCCURRED ON THE
21 TWENTY-NINTH AND THIRTIETH OF OCTOBER, TWO THOUSAND TWELVE, SUCH
22 DECREASE TO WHICH SUBDIVISION FIVE OF SECTION EIGHTEEN HUNDRED FIVE OF
23 THIS ARTICLE APPLIES.

24 (J) "PHYSICAL INCREASE" MEANS THE INCREASE IN ASSESSED VALUE FROM THE
25 ASSESSED VALUE ON THE PRECEDING ASSESSMENT ROLL AS A RESULT OF AN ADDI-
26 TION TO OR IMPROVEMENT OF EXISTING REAL PROPERTY AS PROVIDED IN SUBDIVI-
27 SION FIVE OF SECTION EIGHTEEN HUNDRED FIVE OF THIS ARTICLE, FOR THE
28 PURPOSE OF RECONSTRUCTION OR REPAIR IN CONNECTION WITH THE DAMAGE CAUSED
29 BY THE SEVERE STORM THAT OCCURRED ON THE TWENTY-NINTH AND THIRTIETH OF
30 OCTOBER, TWO THOUSAND TWELVE, SUCH INCREASE TO WHICH SUBDIVISION FIVE OF
31 SECTION EIGHTEEN HUNDRED FIVE OF THIS ARTICLE APPLIES SUBJECT TO THE
32 PROVISIONS OF THIS SECTION.

33 (K) "TOTAL SQUARE FOOTAGE OF THE IMPROVEMENTS ON THE PROPERTY" MEANS,
34 WITH RESPECT TO AN ASSESSMENT ROLL, THE SQUARE FOOTAGE USED BY THE
35 DEPARTMENT OF FINANCE IN DETERMINING THE ASSESSED VALUE ATTRIBUTABLE TO
36 IMPROVEMENTS ON THE REAL PROPERTY FOR SUCH ASSESSMENT ROLL.

37 3. AFFECTED REAL PROPERTY. FOR PURPOSES OF THIS SECTION, "AFFECTED
38 REAL PROPERTY" MEANS ANY TAX LOT THAT CONTAINED, ON THE APPLICABLE TAXA-
39 BLE STATUS DATE, CLASS ONE REAL PROPERTY AS SUCH CLASS OF REAL PROPERTY
40 IS DEFINED IN SUBDIVISION ONE OF SECTION EIGHTEEN HUNDRED TWO OF THIS
41 ARTICLE, OR CLASS TWO REAL PROPERTY AS SUCH CLASS OF REAL PROPERTY IS
42 DEFINED IN SUBDIVISION ONE OF SECTION EIGHTEEN HUNDRED TWO OF THIS ARTI-
43 CLE TO WHICH SUBDIVISION TWO OF SECTION EIGHTEEN HUNDRED FIVE OF THIS
44 ARTICLE APPLIES, AS TO WHICH:

45 (A) THE DEPARTMENT OF FINANCE REDUCED THE ASSESSED VALUE ATTRIBUTABLE
46 TO IMPROVEMENTS ON THE PROPERTY FOR THE ASSESSMENT ROLL COMPLETED IN TWO
47 THOUSAND THIRTEEN FROM THE ASSESSED VALUE ATTRIBUTABLE TO IMPROVEMENTS
48 ON THE PROPERTY FOR THE ASSESSMENT ROLL COMPLETED IN TWO THOUSAND TWELVE
49 AS A RESULT OF DAMAGE CAUSED BY THE SEVERE STORM THAT OCCURRED ON THE
50 TWENTY-NINTH AND THIRTIETH OF OCTOBER, TWO THOUSAND TWELVE; AND

51 (B) THE DEPARTMENT OF FINANCE INCREASED THE ASSESSED VALUE ATTRIBUT-
52 ABLE TO IMPROVEMENTS ON THE PROPERTY BY MEANS OF A PHYSICAL INCREASE FOR
53 AN ASSESSMENT ROLL COMPLETED FROM TWO THOUSAND FOURTEEN THROUGH TWO
54 THOUSAND TWENTY.

55 4. LIMITATION ON INCREASES OF ASSESSED VALUE. NOTWITHSTANDING SUBDIVI-
56 SION FIVE OF SECTION EIGHTEEN HUNDRED FIVE OF THIS ARTICLE AND ANY OTHER

PROVISION TO THE CONTRARY, INCREASES IN THE ASSESSED VALUE OF AFFECTED REAL PROPERTY SHALL BE LIMITED IN THE MANNER SPECIFIED IN THIS SUBDIVISION.

(A) EXCEPT AS PROVIDED IN PARAGRAPH (C) OF THIS SUBDIVISION, FOR AFFECTED REAL PROPERTY FOR WHICH THE ASSESSED VALUES ON THE ASSESSMENT ROLLS COMPLETED IN TWO THOUSAND FOURTEEN AND TWO THOUSAND FIFTEEN DO NOT REFLECT A PHYSICAL INCREASE, THE AMOUNT OF THE AGGREGATE PHYSICAL INCREASE SHALL NOT EXCEED THE AMOUNT OF THE PHYSICAL DECREASE REFLECTED IN THE ASSESSED VALUE ON THE ASSESSMENT ROLL COMPLETED IN TWO THOUSAND THIRTEEN. ANY INCREASE IN ASSESSED VALUE FROM THE PRECEDING YEAR IN EXCESS OF THE PHYSICAL INCREASE REFLECTED IN THE CURRENT ASSESSED VALUE, SUCH PHYSICAL INCREASE LIMITED AS PROVIDED IN THE PRECEDING SENTENCE, SHALL BE SUBJECT TO THE LIMITATIONS ON INCREASES PROVIDED IN SUBDIVISIONS ONE AND TWO OF SECTION EIGHTEEN HUNDRED FIVE OF THIS ARTICLE. IN NO EVENT SHALL THE ASSESSED VALUE OF THE AFFECTED REAL PROPERTY APPEARING ON AN ASSESSMENT ROLL COMPLETED FOR ANY GIVEN YEAR FROM TWO THOUSAND FIFTEEN TO TWO THOUSAND TWENTY EXCEED WHAT THE ASSESSED VALUE WOULD HAVE BEEN THAT YEAR BUT FOR ANY PHYSICAL DECREASES OR PHYSICAL INCREASES REFLECTED IN THE ASSESSED VALUES ON THE ASSESSMENT ROLLS COMPLETED FROM TWO THOUSAND THIRTEEN TO TWO THOUSAND TWENTY.

(B) FOR AFFECTED REAL PROPERTY FOR WHICH THE ASSESSED VALUE ON THE ASSESSMENT ROLL COMPLETED IN TWO THOUSAND FOURTEEN OR TWO THOUSAND FIFTEEN REFLECTS A PHYSICAL INCREASE, THE ASSESSED VALUE AS IT APPEARED ON THE ASSESSMENT ROLL COMPLETED IN TWO THOUSAND FIFTEEN SHALL BE RECALCULATED AS IF THE LIMITATION IN PARAGRAPH (A) OF THIS SUBDIVISION HAD BEEN IN EFFECT FOR THE ASSESSMENT ROLLS COMPLETED IN TWO THOUSAND FOURTEEN AND TWO THOUSAND FIFTEEN. THE RECALCULATION OF THE ASSESSED VALUE THAT APPEARED ON THE ASSESSMENT ROLL COMPLETED IN TWO THOUSAND FIFTEEN SHALL NOT AFFECT THE AMOUNT OF TAXES THAT WERE DUE AND PAYABLE FOR THE FISCAL YEAR BEGINNING ON THE FIRST OF JULY, TWO THOUSAND FOURTEEN. THE ASSESSED VALUE ON THE ASSESSMENT ROLLS COMPLETED FOR EACH OF THE YEARS FROM TWO THOUSAND SIXTEEN TO TWO THOUSAND TWENTY SHALL BE SUBJECT TO THE LIMITATION ON INCREASES PROVIDED IN PARAGRAPH (A) OF THIS SUBDIVISION. NOTWITHSTANDING SECTION FIFTEEN HUNDRED TWELVE OF THE CHARTER OF THE CITY OF NEW YORK AND ANY OTHER PROVISION TO THE CONTRARY, THE COMMISSIONER OF FINANCE IS AUTHORIZED TO CORRECT AS PROVIDED IN THIS PARAGRAPH THE ASSESSED VALUE OF AFFECTED REAL PROPERTY APPEARING ON THE ASSESSMENT ROLL COMPLETED IN TWO THOUSAND FIFTEEN. SUCH CORRECTION SHALL BE MADE NO LATER THAN NINETY DAYS AFTER THE EFFECTIVE DATE OF A LOCAL LAW ADOPTED IN ACCORDANCE WITH THIS SECTION.

(C) NOTWITHSTANDING PARAGRAPHS (A) AND (B) OF THIS SUBDIVISION, IN THE EVENT THAT THE TOTAL SQUARE FOOTAGE OF THE IMPROVEMENTS ON THE AFFECTED REAL PROPERTY APPEARING ON ANY ASSESSMENT ROLL COMPLETED FROM TWO THOUSAND FOURTEEN TO TWO THOUSAND TWENTY EXCEEDS THE TOTAL SQUARE FOOTAGE OF THE IMPROVEMENTS ON THE PROPERTY APPEARING ON THE ASSESSMENT ROLL COMPLETED IN TWO THOUSAND TWELVE, THE AMOUNT OF THE AGGREGATE PHYSICAL INCREASE SHALL NOT EXCEED THE AMOUNT COMPUTED BY MULTIPLYING THE SUM OF THE PHYSICAL INCREASES AS CALCULATED SUBJECT TO THIS SUBDIVISION BY A FRACTION, THE NUMERATOR OF WHICH IS EQUAL TO THE AMOUNT OF THE TOTAL SQUARE FOOTAGE OF THE IMPROVEMENTS ON THE PROPERTY FOR THE CURRENT ASSESSMENT ROLL, AND THE DENOMINATOR OF WHICH IS EQUAL TO THE AMOUNT OF THE TOTAL SQUARE FOOTAGE OF THE IMPROVEMENTS ON THE PROPERTY FOR THE ASSESSMENT ROLL COMPLETED IN TWO THOUSAND TWELVE. FOR PURPOSES OF THIS PARAGRAPH, IF IMPROVEMENTS ON THE PROPERTY LOCATED BELOW GRADE WERE NOT INCLUDED IN THE TOTAL SQUARE FOOTAGE OF THE IMPROVEMENTS ON THE PROPERTY FOR THE ASSESSMENT ROLL COMPLETED IN TWO THOUSAND TWELVE, SUCH IMPROVE-

1 MENTS SHALL NOT BE INCLUDED IN THE TOTAL SQUARE FOOTAGE FOR SUBSEQUENT
2 ASSESSMENT ROLLS IF THE IMPROVEMENTS WERE MOVED ABOVE GRADE OR OTHER
3 BUILDING ELEVATIONS WERE CONSTRUCTED ON THE PROPERTY TO PREVENT OR MITI-
4 GATE FLOODING AS PART OF RECONSTRUCTION OR REPAIR IN CONNECTION WITH THE
5 DAMAGE CAUSED BY THE SEVERE STORM THAT OCCURRED ON THE TWENTY-NINTH AND
6 THIRTIETH OF OCTOBER, TWO THOUSAND TWELVE.

7 5. RULEMAKING. THE COMMISSIONER OF FINANCE SHALL BE AUTHORIZED TO
8 PROMULGATE RULES NECESSARY TO EFFECTUATE THE PURPOSES OF THIS SECTION.

9 S 2. This act shall take effect immediately.