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

7570--A

2015-2016 Regular Sessions

I N A S S E M B L Y

May 19, 2015

Introduced by M. of A. HAWLEY -- read once and referred to the Committee on Real Property Taxation -- 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 authorizing a residential redevelopment inhibited property exemption in certain cities

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 485-r to read as follows:

S 485-R. RESIDENTIAL REDEVELOPMENT INHIBITED PROPERTY EXEMPTION; CERTAIN CITIES. 1. AS USED IN THIS SECTION, THE FOLLOWING TERMS SHALL HAVE THE FOLLOWING MEANINGS:

(A) "REDEVELOPMENT INHIBITED PROPERTY" SHALL MEAN A RESIDENTIAL PROPERTY THAT HAS BEEN NEGLECTED OR ABANDONED BECAUSE OF THE LOCAL ECONOMIC CONDITIONS AND/OR CONDITIONS ON THE PROPERTY THAT INHIBIT SUCH PROPERTY FROM BEING REDEVELOPED BY THE PRIVATE SECTOR. REDEVELOPMENT INHIBITED PROPERTY SHALL NOT INCLUDE LAND THAT IS UNDEVELOPED.

(B) "GAP FINANCING COSTS" SHALL MEAN THE TOTAL COST OF THE PROPERTY'S REDEVELOPMENT AS APPROVED BY THE CITY MINUS THE INCREASE IN THE FULL VALUATION OF THE PROPERTY UPON COMPLETION OF THE REDEVELOPMENT.

(C) "BASE ASSESSMENT" SHALL MEAN THE ASSESSED VALUE OF THE PROPERTY ON THE DAY THE CITY DESIGNATES THE PROPERTY AS REDEVELOPMENT INHIBITED.

(D) "INCREASED ASSESSMENT" SHALL MEAN THE ASSESSED VALUE OF THE PROPERTY AS DETERMINED BY THE ASSESSOR UPON COMPLETION OF THE REDEVELOPMENT.

(E) "INCREMENTAL INCREASE IN ANNUAL PROPERTY TAXES" SHALL MEAN THE TAXES BASED ON THE INCREASED ASSESSMENT MINUS THE TAXES BASED ON THE BASE ASSESSMENT.

(F) "CITY" SHALL MEAN CITIES WITH A POPULATION OF NOT LESS THAN FIFTEEN THOUSAND TWO HUNDRED FIFTY AND NOT MORE THAN FIFTEEN THOUSAND

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

LBD10793-03-5

FIVE HUNDRED AS DETERMINED BY THE FEDERAL DECENNIAL CENSUS FOR THE YEAR TWO THOUSAND TEN.

2. A CITY MAY, BY LOCAL LAW, PROVIDE FOR THE EXEMPTION OF REAL PROPERTY FROM TAXATION AS PROVIDED IN THIS SECTION. SUBSEQUENT TO THE ADOPTION OF SUCH LOCAL LAW, THE COUNTY IN WHICH SUCH CITY IS LOCATED MAY AFTER A PUBLIC HEARING AND BY LOCAL LAW, AND ANY SCHOOL DISTRICT, ALL OR PART OF WHICH IS LOCATED IN SUCH CITY, MAY, BY RESOLUTION, EXEMPT SUCH PROPERTY FROM ITS TAXATION IN THE SAME MANNER AND TO THE SAME EXTENT AS THE CITY HAS DONE.

3. A CITY SHALL DESIGNATE ANY PROPERTY WITHIN THE CITY BOUNDARIES AS A REDEVELOPMENT INHIBITED PROPERTY IF ONE OR MORE OF THE FOLLOWING ARE MET:

(A) THE CITY HAS ACQUIRED TITLE TO THE PROPERTY PURSUANT TO ARTICLE NINETEEN-A OF THE REAL PROPERTY ACTIONS AND PROCEEDINGS LAW; OR

(B) THE PROPERTY HAS BEEN CONTINUOUSLY VACANT FOR A PERIOD OF AT LEAST THREE YEARS; OR

(C) THE CITY HAS ACQUIRED TITLE TO THE PROPERTY VIA FORECLOSURE FOR UNPAID TAXES PURSUANT TO ARTICLE ELEVEN OF THIS CHAPTER; OR

(D) THE PROPERTY HAS OUTSTANDING ZONING, HOUSING, OR UNIFORM CODE VIOLATIONS AND THE COST OF REMEDYING THE VIOLATIONS EXCEEDS THE PROPERTY'S VALUE.

4. (A) UPON THE ADOPTION OF SUCH LOCAL LAW, REDEVELOPMENT INHIBITED PROPERTY SHALL BE EXEMPT FROM TAXATION AND SPECIAL AD VALOREM LEVIES TO THE EXTENT OF ANY INCREASE IN VALUE ATTRIBUTABLE TO DEMOLITION, ALTERATION, REHABILITATION, OR REMEDIATION PURSUANT TO THE FOLLOWING REQUIREMENTS:

(I) THE DEMOLITION, ALTERATIONS, REHABILITATION, AND/OR REMEDIATION SHALL BE PERMITTED BY THE CITY'S BUREAU OF INSPECTION SUCH THAT BUILDING OR PLUMBING PERMITS ISSUED AND SAID DEMOLITION, ALTERATIONS, REHABILITATION, AND/OR REMEDIATION SHALL HAVE MET ALL NECESSARY APPROVALS PER THE APPLICABLE NEW YORK STATE UNIFORM FIRE PREVENTION AND BUILDING CODE, THE CITY'S MUNICIPAL CODE AND THE CITY'S BUREAU OF INSPECTION UPON COMPLETION; AND

(II) THE PROPERTY FOR WHICH THE EXEMPTION IS SOUGHT SHALL BE AN OWNER-OCCUPIED ONE-FAMILY RESIDENCE; AND

(III) THE OWNER OF SUCH PROPERTY SHALL FILE ANNUALLY AN AFFIDAVIT OF RESIDENCY WITH THE ASSESSOR OF THE CITY ON OR BEFORE THE APPROPRIATE TAXABLE STATUS DATE OF SUCH CITY, CONFIRMING CONTINUED OWNER-OCCUPANCY OF THE PROPERTY; AND

(IV) THE REDEVELOPMENT INHIBITED PROPERTY IS EXEMPT FROM TAXATION AND SPECIAL AD VALOREM LEVIES ATTRIBUTABLE TO THE INCREASED ASSESSMENT MINUS THE TAXES AND SPECIAL AD VALOREM LEVIES IMPOSED ON THE BASE ASSESSMENT. SUCH EXEMPTION SHALL NOT APPLY TO SPECIAL ASSESSMENTS.

(B) IN THE EVENT THE PROPERTY GRANTED AN EXEMPTION PURSUANT TO THIS SECTION CEASES TO BE OWNER-OCCUPIED AND/OR THE AFFIDAVIT OF RESIDENCY IS NOT FILED ANNUALLY FOR THE APPROVED EXEMPTION PERIOD, THE EXEMPTION GRANTED PURSUANT TO THIS SECTION SHALL CEASE.

(C) IN THE EVENT THE PROPERTY GRANTED AN EXEMPTION PURSUANT TO THIS SECTION CEASES TO BE A ONE-FAMILY DWELLING, THE EXEMPTION GRANTED PURSUANT TO THIS SECTION SHALL CEASE.

(D) IN THE EVENT THE OWNER OF THE PROPERTY IS CONVICTED OF A VIOLATION OR MISDEMEANOR PURSUANT TO NEW YORK STATE UNIFORM FIRE PREVENTION AND BUILDING CODE OR THE CITY'S MUNICIPAL CODE, THE EXEMPTION GRANTED PURSUANT TO THIS SECTION SHALL CEASE.

5. (A) SUCH REDEVELOPMENT INHIBITED PROPERTY SHALL BE EXEMPT FOR A PERIOD EQUAL TO THE GAP FINANCING COSTS DIVIDED BY THE INCREMENTAL

INCREASE IN ANNUAL PROPERTY TAXES RESULTING FROM SUCH REDEVELOPMENT. THE EXEMPTION PERIOD SHALL BE ROUNDED UP TO THE NEAREST WHOLE NUMBER AND SHALL NOT EXCEED TWENTY-FIVE YEARS.

(B) THE EXTENT OF SUCH EXEMPTION SHALL DECREASE THE LAST EIGHT YEARS OF THE EXEMPTION PERIOD BY TWELVE AND ONE-HALF PERCENT OF THE INCREASE IN ASSESSMENT DUE TO THE REDEVELOPMENT EQUALING A ZERO PERCENT EXEMPTION ON THE FINAL YEAR OF THE EXEMPTION PERIOD.

6. (A) SUCH EXEMPTION SHALL BE GRANTED ONLY UPON APPLICATION BY THE OWNER OF SUCH BUILDING FOR THE RESIDENTIAL REDEVELOPMENT INHIBITED PROPERTY EXEMPTION, ON A FORM PRESCRIBED BY THE CITY. SUCH APPLICATION MUST BE FILED WITH THE ASSESSOR OF THE CITY ON OR BEFORE THE APPROPRIATE TAXABLE STATUS DATE OF SUCH CITY. THE APPLICATION MUST BE FILED WITH THE ASSESSOR OF THE CITY WITHIN THREE YEARS FROM THE DATE OF COMPLETING THE DEMOLITION, ALTERATIONS, REHABILITATION, AND/OR REMEDIATION.

(B) THE OWNER FILING FOR SUCH EXEMPTION SHALL NOT BE REQUIRED TO BE THE OWNER RESPONSIBLE FOR COMPLETING THE DEMOLITION, ALTERATIONS, REHABILITATION, AND/OR REMEDIATION.

(C) 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 BY THE CITY COMMENCING WITH THE ASSESSMENT ROLL PREPARED AFTER THE TAXABLE STATUS DATE REFERRED TO IN THIS SUBDIVISION. THE ASSESSED VALUE OF ANY EXEMPTION GRANTED PURSUANT TO THIS SECTION SHALL BE ENTERED BY THE ASSESSOR OF THE CITY ON THE ASSESSMENT ROLL WITH THE TAXABLE PROPERTY, WITH THE AMOUNT OF THE EXEMPTION SHOWN IN A SEPARATE COLUMN.

(D) ONCE GRANTED, THE RESIDENTIAL REDEVELOPMENT INHIBITED PROPERTY EXEMPTION RUNS WITH THE LAND FOR THE EXEMPTION PERIOD PURSUANT TO THIS SECTION.

S 2. This act shall take effect immediately.