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

5013--A

2015-2016 Regular Sessions

I N S E N A T E

April 28, 2015

Introduced by Sen. ORTT -- read twice and ordered printed, and when printed to be committed to the Committee on Local Government -- 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 establishing a green development neighborhood tax exemption

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. GREEN DEVELOPMENT NEIGHBORHOOD TAX EXEMPTION. 1. AS USED IN THIS SECTION, THE FOLLOWING TERMS SHALL HAVE THE FOLLOWING MEANINGS:

(A) "MUNICIPAL CORPORATION" MEANS ANY TOWN, CITY OR VILLAGE, EXCEPT FOR A CITY HAVING MORE THAN ONE MILLION INHABITANTS.

(B) "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.

(C) "CERTIFIED SILVER" SHALL MEAN (I) NGBS SILVER LEVEL CERTIFIED BY HOME INNOVATION RESEARCH LABS AT A PERFORMANCE LEVEL OF SILVER OR BETTER, OR (II) LEED FOR NEW CONSTRUCTION CERTIFIED SILVER OR BETTER.

(D) "GREEN DEVELOPMENT NEIGHBORHOOD" SHALL MEAN A SUBDIVISION, CONSISTING OF NEW ONE, TWO OR THREE FAMILY RESIDENCES THAT IS (A) EITHER A NGBS GREEN CERTIFIED LAND 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 OR BETTER.

(E) "NGBS GREEN CERTIFIED LAND DEVELOPMENT" SHALL MEAN A NATIONAL GREEN BUILDING STANDARD GREEN SUBDIVISION WITH A CERTIFICATION ISSUED BY HOME INNOVATION RESEARCH LABS.

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

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

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

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

(I) "NGBS" SHALL MEAN THE NATIONAL GREEN BUILDING STANDARD AS APPROVED BY THE AMERICAN NATIONAL STANDARDS INSTITUTE.

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

2. (A) THE LOCAL LEGISLATIVE BODY OF ANY MUNICIPAL CORPORATION MAY, BY LOCAL LAW, PROVIDE FOR THE EXEMPTION OF REAL PROPERTY FROM TAXATION AS PROVIDED IN THIS SECTION, PROVIDED THE GOVERNING BOARD OF SUCH MUNICIPAL CORPORATION, AFTER CONDUCTING A PUBLIC HEARING, ADOPTS A LOCAL LAW, ORDINANCE OR RESOLUTION PROVIDING THEREFOR. UPON THE ADOPTION OF SUCH A LOCAL LAW, THE COUNTY IN WHICH SUCH MUNICIPAL CORPORATION IS LOCATED MAY, BY LOCAL LAW, AND ANY SCHOOL DISTRICT, ALL OR PART OF WHICH IS LOCATED IN SUCH MUNICIPAL CORPORATION, MAY, BY RESOLUTION, EXEMPT SUCH PROPERTY FROM ITS TAXATION IN THE SAME MANNER AND TO THE SAME EXTENT AS SUCH MUNICIPAL CORPORATION. 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 HAVE A MAXIMUM EXEMPTION FROM TAXATION AND SPECIAL AD VALOREM LEVIES TO THE EXTENT OF ANY INCREASE IN ASSESSED VALUE RESULTING FROM THE CONSTRUCTION OF A GREEN DEVELOPMENT NEIGHBORHOOD. SUCH LOCAL LAW SHALL PROVIDE FOR THE PERCENTAGE OF SUCH EXEMPTION AND THE PERIOD OF TIME DURING WHICH SUCH EXEMPTION SHALL CONTINUE, BUT IN NO EVENT LONGER THAN TEN YEARS FOR EACH PARCEL WHICH APPLIES FOR SUCH EXEMPTION.

(B) UPON OBTAINING A LEED-ND CERTIFICATION OR NGBS GREEN CERTIFIED LAND 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 OR BETTER. 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 OR BETTER. 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 THE MUNICIPAL CORPORATION OR COUNTY HAVING THE POWER TO ASSESS PROPERTY FOR TAXATION ON OR BEFORE THE APPROPRIATE TAXABLE STATUS DATE OF SUCH MUNICIPAL CORPORATION 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 MUNICIPAL CORPORATION'S 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.