

7531

2015-2016 Regular Sessions

I N   A S S E M B L Y

May 15, 2015

---

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

AN ACT to amend the real property tax law, in relation to partial tax  
abatement for residential real property held in the cooperative or  
condominium form of ownership 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. Paragraphs (a) and (b) of subdivision 2 of section 467-a of  
2     the real property tax law, as amended by chapter 4 of the laws of 2013,  
3     are amended to read as follows:  
4     (a) In a city having a population of one million or more, dwelling  
5     units owned by unit owners who, as of the applicable taxable status  
6     date, own no more than three dwelling units in any one property held in  
7     the condominium form of ownership, shall be eligible to receive a  
8     partial abatement of real property taxes, as set forth in paragraphs  
9     (c), (d), (d-1), (d-2), (d-3), (d-4), (d-5) and (d-6) of this subdivi-  
10    sion; provided, however, that a property held in the condominium form of  
11    ownership that is receiving complete or partial real property tax  
12    exemption or tax abatement pursuant to any other provision of this chap-  
13    ter or any other state or local law, except as provided in paragraph (f)  
14    of this subdivision, shall not be eligible to receive a partial abate-  
15    ment pursuant to this section; and provided, further, that sponsors  
16    shall not be eligible to receive a partial abatement pursuant to this  
17    section; and provided, further, that in the fiscal [year] YEARS commenc-  
18    ing in calendar years two thousand twelve, two thousand thirteen, [or]  
19    two thousand fourteen, TWO THOUSAND FIFTEEN, TWO THOUSAND SIXTEEN OR TWO  
20    THOUSAND SEVENTEEN no more than a maximum of three dwelling units owned  
21    by any unit owner in a single building, one of which must be the primary  
22    residence of such unit owner, shall be eligible to receive a partial

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

LBD10965-02-5

1 abatement pursuant to paragraphs (d-1), (d-2), (d-3) and (d-4) of this  
2 [section] SUBDIVISION.

3 (b) In a city having a population of one million or more, dwelling  
4 units owned by tenant-stockholders who, as of the applicable taxable  
5 status date, own no more than three dwelling units in any one property  
6 held in the cooperative form of ownership, shall be eligible to receive  
7 a partial abatement of real property taxes, as set forth in paragraphs  
8 (c), (d), (d-1), (d-2), (d-3), (d-4), (d-5) and (d-6) of this subdivi-  
9 sion; provided, however, that a property held in the cooperative form of  
10 ownership that is receiving complete or partial real property tax  
11 exemption or tax abatement pursuant to any other provision of this chap-  
12 ter or any other state or local law, except as provided in paragraph (f)  
13 of this subdivision, shall not be eligible to receive a partial abate-  
14 ment pursuant to this section; and provided, further, that sponsors  
15 shall not be eligible to receive a partial abatement pursuant to this  
16 section; and provided, further, that in the fiscal [year] YEARS commenc-  
17 ing in calendar years two thousand twelve, two thousand thirteen [or],  
18 two thousand fourteen, TWO THOUSAND FIFTEEN, TWO THOUSAND SIXTEEN OR TWO  
19 THOUSAND SEVENTEEN no more than a maximum of three dwelling units owned  
20 by any tenant-stockholder in a single building, one of which must be the  
21 primary residence of such tenant-stockholder, shall be eligible to  
22 receive a partial abatement pursuant to paragraphs (d-1), (d-2), (d-3)  
23 and (d-4) of this [section] SUBDIVISION. For purposes of this section,  
24 a tenant-stockholder of a cooperative apartment corporation shall be  
25 deemed to own the dwelling unit which is represented by his or her  
26 shares of stock in such corporation. Any abatement so granted shall be  
27 credited by the appropriate taxing authority against the tax due on the  
28 property as a whole. The reduction in real property taxes received  
29 thereby shall be credited by the cooperative apartment corporation  
30 against the amount of such taxes attributable to eligible dwelling units  
31 at the time of receipt.

32 S 2. Paragraphs (d-1), (d-2), (d-3) and (d-4) of subdivision 2 of  
33 section 467-a of the real property tax law, as added by chapter 4 of the  
34 laws of 2013, are amended to read as follows:

35 (d-1) In the fiscal years commencing in calendar [year] YEARS two  
36 thousand twelve, two thousand thirteen and two thousand fourteen, eligi-  
37 ble dwelling units in property whose average unit assessed value is less  
38 than or equal to fifty thousand dollars shall receive a partial abate-  
39 ment of the real property taxes attributable to or due on such dwelling  
40 units of twenty-five percent, twenty-six and one-half percent and twen-  
41 ty-eight and one-tenth percent respectively. IN THE FISCAL YEARS  
42 COMMENCING IN CALENDAR YEARS TWO THOUSAND FIFTEEN, TWO THOUSAND SIXTEEN  
43 AND TWO THOUSAND SEVENTEEN, ELIGIBLE DWELLING UNITS IN PROPERTY WHOSE  
44 AVERAGE UNIT ASSESSED VALUE IS LESS THAN OR EQUAL TO FIFTY THOUSAND  
45 DOLLARS SHALL RECEIVE A PARTIAL ABATEMENT OF THE REAL PROPERTY TAXES  
46 ATTRIBUTABLE TO OR DUE ON SUCH DWELLING UNITS OF TWENTY-EIGHT AND  
47 ONE-TENTH PERCENT.

48 (d-2) In the fiscal years commencing in calendar [year] YEARS two  
49 thousand twelve, two thousand thirteen and two thousand fourteen, eligi-  
50 ble dwelling units in property whose average unit assessed value is more  
51 than fifty thousand dollars, but less than or equal to fifty-five thou-  
52 sand dollars, shall receive a partial abatement of the real property  
53 taxes attributable to or due on such dwelling units of twenty-two and  
54 one-half percent, twenty-three and eight-tenths percent and twenty-five  
55 and two-tenths percent respectively. IN THE FISCAL YEARS COMMENCING IN  
56 CALENDAR YEARS TWO THOUSAND FIFTEEN, TWO THOUSAND SIXTEEN AND TWO THOU-

SAND SEVENTEEN, ELIGIBLE DWELLING UNITS IN PROPERTY WHOSE AVERAGE UNIT ASSESSED VALUE IS MORE THAN FIFTY THOUSAND DOLLARS, BUT LESS THAN OR EQUAL TO FIFTY-FIVE THOUSAND DOLLARS, SHALL RECEIVE A PARTIAL ABATEMENT OF THE REAL PROPERTY TAXES ATTRIBUTABLE TO OR DUE ON SUCH DWELLING UNITS OF TWENTY-FIVE AND TWO-TENTHS PERCENT.

(d-3) In the fiscal years commencing in calendar [year] YEARS two thousand twelve, two thousand thirteen and two thousand fourteen, eligible dwelling units in property whose average unit assessed value is more than fifty-five thousand dollars, but less than or equal to sixty thousand dollars, shall receive a partial abatement of the real property taxes attributable to or due on such dwelling units of twenty percent, twenty-one and two-tenths percent, and twenty-two and five-tenths percent respectively. IN THE FISCAL YEARS COMMENCING IN CALENDAR YEARS TWO THOUSAND FIFTEEN, TWO THOUSAND SIXTEEN AND TWO THOUSAND SEVENTEEN, ELIGIBLE DWELLING UNITS IN PROPERTY WHOSE AVERAGE UNIT ASSESSED VALUE IS MORE THAN FIFTY-FIVE THOUSAND DOLLARS, BUT LESS THAN OR EQUAL TO SIXTY THOUSAND DOLLARS, SHALL RECEIVE A PARTIAL ABATEMENT OF THE REAL PROPERTY TAXES ATTRIBUTABLE TO OR DUE ON SUCH DWELLING UNITS OF TWENTY-TWO AND FIVE-TENTHS PERCENT.

(d-4) In the fiscal years commencing in calendar [year] YEARS two thousand twelve, two thousand thirteen [and], two thousand fourteen, TWO THOUSAND FIFTEEN, TWO THOUSAND SIXTEEN AND TWO THOUSAND SEVENTEEN, eligible dwelling units in property whose average unit assessed value is more than sixty thousand dollars shall receive a partial abatement of the real property taxes attributable to or due on such dwelling units of seventeen and one-half percent.

S 3. Paragraphs (a), (b) and (c) of subdivision 3 of section 467-a of the real property tax law, as amended by chapter 4 of the laws of 2013, are amended to read as follows:

(a) An application for an abatement pursuant to this section for the fiscal year commencing in calendar year nineteen hundred ninety-six shall be made no later than the fifteenth day of September, nineteen hundred ninety-six. An application for an abatement pursuant to this section for the fiscal year commencing in calendar year nineteen hundred ninety-seven shall be made no later than the first day of April, nineteen hundred ninety-seven. An application for an abatement pursuant to this section for the fiscal year commencing in calendar year nineteen hundred ninety-eight shall be made no later than the first day of April, nineteen hundred ninety-eight. An application for an abatement pursuant to this section for the fiscal year commencing in calendar year nineteen hundred ninety-nine shall be made in accordance with this subdivision and subdivision three-a of this section. An application for an abatement pursuant to this section for the fiscal year commencing in calendar year two thousand shall be made no later than the fifteenth day of February, two thousand. An application for an abatement pursuant to this section for the fiscal year commencing in calendar year two thousand one shall be made in accordance with this subdivision and subdivision three-b of this section. An application for an abatement pursuant to this section for the fiscal year commencing in calendar year two thousand two shall be made no later than the fifteenth day of February, two thousand two. An application for an abatement pursuant to this section for the fiscal year commencing in calendar year two thousand three shall be made no later than the fifteenth day of February, two thousand three. An application for an abatement pursuant to this section for the fiscal year commencing in calendar year two thousand four shall be made in accordance with this subdivision and subdivision three-c of this section. An

1 application for an abatement pursuant to this section for the fiscal  
2 year commencing in calendar year two thousand five shall be made no  
3 later than the fifteenth day of February, two thousand five. An applica-  
4 tion for an abatement pursuant to this section for the fiscal year  
5 commencing in calendar year two thousand six shall be made no later than  
6 the fifteenth day of February, two thousand six. An application for an  
7 abatement pursuant to this section for the fiscal year commencing in  
8 calendar year two thousand seven shall be made no later than the  
9 fifteenth day of February, two thousand seven. An application for abate-  
10 ment pursuant to this section for the fiscal year commencing in calendar  
11 year two thousand eight shall be made in accordance with this subdivi-  
12 sion and subdivision three-d of this section. An application for an  
13 abatement pursuant to this section for the fiscal year commencing in  
14 calendar year two thousand nine shall be made no later than the  
15 fifteenth day of February, two thousand nine. An application for an  
16 abatement pursuant to this section for the fiscal year commencing in  
17 calendar year two thousand ten shall be made no later than the fifteenth  
18 day of February, two thousand ten. An application for an abatement  
19 pursuant to this section for the fiscal year commencing in calendar year  
20 two thousand eleven shall be made no later than the fifteenth day of  
21 February, two thousand eleven. An application for an abatement pursuant  
22 to this section for the fiscal years commencing in calendar years two  
23 thousand twelve and two thousand thirteen shall be made in accordance  
24 with subdivision three-e of this section. The date or dates by which  
25 applications for an abatement pursuant to this section shall be made for  
26 the fiscal year beginning in calendar year two thousand fourteen shall  
27 be established by the commissioner of finance by rule, provided that  
28 such date or dates shall not be later than the fifteenth day of February  
29 for such calendar year. APPLICATIONS FOR AN ABATEMENT PURSUANT TO THIS  
30 SECTION FOR THE FISCAL YEARS COMMENCING IN CALENDAR YEARS TWO THOUSAND  
31 FIFTEEN, TWO THOUSAND SIXTEEN AND TWO THOUSAND SEVENTEEN SHALL BE MADE  
32 NO LATER THAN THE FIFTEENTH DAY OF MARCH FOR EACH RESPECTIVE CALENDAR  
33 YEAR.

34 (b) (I) An application for an abatement pursuant to this section shall  
35 be submitted to the commissioner of finance by the board of managers of  
36 a condominium or the board of directors of a cooperative apartment  
37 corporation, provided that the commissioner of finance may by rule  
38 require the owner of a dwelling unit to submit an application to supple-  
39 ment information contained in the application submitted by the board of  
40 managers of a condominium or the board of directors of a cooperative  
41 apartment corporation and may by rule apply and adjust, as appropriate,  
42 any provisions of this section that relate to applications submitted by  
43 such boards to applications submitted by such owners.

44 (II) NOTWITHSTANDING SUBPARAGRAPH (I) OF THIS PARAGRAPH OR ANY OTHER  
45 PROVISION OF LAW TO THE CONTRARY, THE COMMISSIONER OF FINANCE MAY BY  
46 RULE REQUIRE THAT APPLICATIONS BE SUBMITTED BY DWELLING UNIT OWNERS  
47 INSTEAD OF, OR IN ADDITION TO, THOSE SUBMITTED BY THE BOARD OF MANAGERS  
48 OF A CONDOMINIUM OR THE BOARD OF DIRECTORS OF A COOPERATIVE APARTMENT  
49 CORPORATION FOR APPLICATIONS FOR FISCAL YEARS COMMENCING IN CALENDAR  
50 YEAR TWO THOUSAND FIFTEEN OR LATER.

51 (c) (I) No abatement pursuant to this section shall be granted unless  
52 the applicant files an application for an abatement within the time  
53 periods prescribed in paragraph (a) of this subdivision or subdivision  
54 three-a, three-b, three-c, three-d or three-e of this section, provided,  
55 however, that the commissioner of finance may, for good cause shown,  
56 extend the time for filing an application.

1 (II) NOTWITHSTANDING SUBPARAGRAPH (I) OF THIS PARAGRAPH OR ANY OTHER  
2 PROVISION OF LAW TO THE CONTRARY, THE COMMISSIONER OF FINANCE MAY  
3 PROVIDE BY RULE THAT APPLICATIONS ARE NOT REQUIRED TO BE FILED ON AN  
4 ANNUAL BASIS.

5 S 4. This act shall take effect immediately.