

9587

I N A S S E M B L Y

March 21, 2016

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

AN ACT to amend the real property tax law, in relation to residential
investment exemptions in certain cities

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 485-s to read as follows:

3 S 485-S. RESIDENTIAL INVESTMENT EXEMPTION; CERTAIN CITIES. 1. RESI-
4 DENTIAL REAL PROPERTY CONSTRUCTED ON OR AFTER THE FIRST DAY OF JULY, TWO
5 THOUSAND FOURTEEN IN CITIES WITH A POPULATION OF NOT LESS THAN FIFTEEN
6 THOUSAND ONE HUNDRED AND NOT MORE THAN FIFTEEN THOUSAND TWO HUNDRED,
7 DETERMINED IN ACCORDANCE WITH THE LATEST DECENNIAL CENSUS, MAY BE EXEMPT
8 FROM CITY TAXATION AND SPECIAL AD VALOREM LEVIES AS PROVIDED IN THIS
9 SECTION.

10 2. (A) (I) SUCH REAL PROPERTY SHALL BE EXEMPT FOR A PERIOD OF ONE YEAR
11 TO THE EXTENT OF FIFTY PER CENTUM OF THE INCREASE IN ASSESSED VALUE
12 THEREOF ATTRIBUTABLE TO SUCH CONSTRUCTION AND FOR AN ADDITIONAL PERIOD
13 OF NINE YEARS PROVIDED, HOWEVER, THAT THE EXTENT OF SUCH EXEMPTION SHALL
14 BE DECREASED BY FIVE PER CENTUM EACH YEAR DURING SUCH ADDITIONAL PERIOD
15 OF NINE YEARS AND SUCH EXEMPTION SHALL BE COMPUTED WITH RESPECT TO THE
16 "EXEMPTION BASE". THE EXEMPTION BASE SHALL BE THE INCREASE IN ASSESSED
17 VALUE AS DETERMINED IN THE INITIAL YEAR OF SUCH TEN YEAR PERIOD FOLLOW-
18 ING THE FILING OF AN ORIGINAL APPLICATION, EXCEPT AS PROVIDED IN SUBPAR-
19 AGRAPH (II) OF THIS PARAGRAPH.

20 (II) IN ANY YEAR IN WHICH A CHANGE IN LEVEL OF ASSESSMENT OF FIFTEEN
21 PERCENT OR MORE IS CERTIFIED FOR A FINAL ASSESSMENT ROLL PURSUANT TO THE
22 RULES OF THE COMMISSIONER, THE EXEMPTION BASE SHALL BE MULTIPLIED BY A
23 FRACTION, THE NUMERATOR OF WHICH SHALL BE THE TOTAL ASSESSED VALUE OF
24 THE PARCEL ON SUCH FINAL ASSESSMENT ROLL (AFTER ACCOUNTING FOR ANY PHYS-
25 ICAL OR QUANTITY CHANGES TO THE PARCEL SINCE THE IMMEDIATELY PRECEDING
26 ASSESSMENT ROLL), AND THE DENOMINATOR OF WHICH SHALL BE THE TOTAL
27 ASSESSED VALUE OF THE PARCEL ON THE IMMEDIATELY PRECEDING FINAL ASSESS-
28 MENT ROLL. THE RESULT SHALL BE THE NEW EXEMPTION BASE. THE EXEMPTION

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

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1 SHALL THEREUPON BE RECOMPUTED TO TAKE INTO ACCOUNT THE NEW EXEMPTION
 2 BASE, NOTWITHSTANDING THE FACT THAT THE ASSESSOR RECEIVES THE CERTIF-
 3 ICATION OF THE CHANGE IN LEVEL OF ASSESSMENT AFTER THE COMPLETION,
 4 VERIFICATION AND FILING OF THE FINAL ASSESSMENT ROLL. IN THE EVENT THE
 5 ASSESSOR DOES NOT HAVE CUSTODY OF THE ROLL WHEN SUCH CERTIFICATION IS
 6 RECEIVED, THE ASSESSOR SHALL CERTIFY THE RECOMPUTED EXEMPTION TO THE
 7 LOCAL OFFICERS HAVING CUSTODY AND CONTROL OF THE ROLL, AND SUCH LOCAL
 8 OFFICERS ARE HEREBY DIRECTED AND AUTHORIZED TO ENTER THE RECOMPUTED
 9 EXEMPTION CERTIFIED BY THE ASSESSOR ON THE ROLL. THE ASSESSOR SHALL GIVE
 10 WRITTEN NOTICE OF SUCH RECOMPUTED EXEMPTION TO THE PROPERTY OWNER, WHO
 11 MAY, IF HE OR SHE BELIEVES THAT THE EXEMPTION WAS RECOMPUTED INCORRECT-
 12 LY, APPLY FOR A CORRECTION IN THE MANNER PROVIDED BY TITLE THREE OF
 13 ARTICLE FIVE OF THIS CHAPTER FOR THE CORRECTION OF CLERICAL ERRORS.

14 (III) THE FOLLOWING TABLE SHALL ILLUSTRATE THE COMPUTATION OF THE CITY
 15 TAX EXEMPTION:

16	YEAR OF EXEMPTION	PERCENTAGE OF EXEMPTION
17	1	50
18	2	45
19	3	40
20	4	35
21	5	30
22	6	25
23	7	20
24	8	15
25	9	10
26	10	5

27 (B) NO SUCH EXEMPTION SHALL BE GRANTED UNLESS:

28 (I) SUCH CONSTRUCTION WAS COMMENCED ON OR AFTER THE FIRST DAY OF JANU-
 29 ARY, TWO THOUSAND SIXTEEN OR SUCH LATER DATE AS MAY BE SPECIFIED BY
 30 LOCAL LAW;

31 (II) THE RESIDENTIAL REAL PROPERTY IS SITUATE IN A CITY WITH A POPU-
 32 LATION OF NOT LESS THAN FIFTEEN THOUSAND ONE HUNDRED AND NOT MORE THAN
 33 FIFTEEN THOUSAND TWO HUNDRED, DETERMINED IN ACCORDANCE WITH THE LATEST
 34 DECENNIAL CENSUS;

35 (III) THE COST OF SUCH CONSTRUCTION EXCEEDS THE SUM OF SEVENTY THOU-
 36 SAND DOLLARS; AND

37 (IV) SUCH CONSTRUCTION IS COMPLETED AS MAY BE EVIDENCED BY A CERTIF-
 38 ICATE OF OCCUPANCY OR OTHER APPROPRIATE DOCUMENTATION AS PROVIDED BY THE
 39 OWNER.

40 (C) FOR PURPOSES OF THIS SECTION THE TERM CONSTRUCTION SHALL NOT
 41 INCLUDE ORDINARY MAINTENANCE AND REPAIRS.

42 3. SUCH EXEMPTION SHALL BE GRANTED ONLY UPON APPLICATION BY THE OWNER
 43 OF SUCH REAL PROPERTY ON A FORM PRESCRIBED BY THE COMMISSIONER. SUCH
 44 APPLICATION SHALL BE FILED WITH THE ASSESSOR OF A CITY WITH A POPULATION
 45 OF NOT LESS THAN FIFTEEN THOUSAND ONE HUNDRED AND NOT MORE THAN FIFTEEN
 46 THOUSAND TWO HUNDRED, DETERMINED IN ACCORDANCE WITH THE LATEST DECENNIAL
 47 CENSUS, ON OR BEFORE THE APPROPRIATE TAXABLE STATUS DATE OF SUCH CITY
 48 AND WITHIN ONE YEAR FROM THE DATE OF COMPLETION OF SUCH CONSTRUCTION.

49 4. IF THE ASSESSOR IS SATISFIED THAT THE APPLICANT IS ENTITLED TO AN
 50 EXEMPTION PURSUANT TO THIS SECTION, HE OR SHE SHALL APPROVE THE APPLICA-
 51 TION AND SUCH REAL PROPERTY SHALL THEREAFTER BE EXEMPT FROM TAXATION AND
 52 SPECIAL AD VALOREM LEVIES BY A CITY WITH A POPULATION OF NOT LESS THAN
 53 FIFTEEN THOUSAND ONE HUNDRED AND NOT MORE THAN FIFTEEN THOUSAND TWO
 54 HUNDRED, DETERMINED IN ACCORDANCE WITH THE LATEST DECENNIAL CENSUS, AS

1 PROVIDED IN THIS SECTION COMMENCING WITH THE ASSESSMENT ROLL PREPARED
2 AFTER THE TAXABLE STATUS DATE REFERRED TO IN SUBDIVISION THREE OF THIS
3 SECTION. THE ASSESSED VALUE OF ANY EXEMPTION GRANTED PURSUANT TO THIS
4 SECTION SHALL BE ENTERED BY THE ASSESSOR ON THE ASSESSMENT ROLL WITH THE
5 TAXABLE PROPERTY, WITH THE AMOUNT OF THE EXEMPTION SHOWN IN A SEPARATE
6 COLUMN.

7 5. THE PROVISIONS OF THIS SECTION SHALL APPLY TO REAL PROPERTY USED AS
8 THE PRIMARY RESIDENCE OF THE OWNER.

9 6. IN THE EVENT THAT REAL PROPERTY GRANTED AN EXEMPTION PURSUANT TO
10 THIS SECTION CEASES TO BE USED PRIMARILY FOR ELIGIBLE PURPOSES, THE
11 EXEMPTION GRANTED PURSUANT TO THIS SECTION SHALL CEASE.

12 7. ANY CITY WHICH ADOPTS AN EXEMPTION PURSUANT TO THIS SECTION SHALL
13 CAUSE INFORMATION RELATING TO THE AVAILABILITY OF SUCH EXEMPTION,
14 INCLUDING REQUIREMENTS AND APPLICATION PROCEDURES, TO BE ATTACHED TO ALL
15 BUILDING PERMIT APPLICATIONS AND COPIES OF SUCH INFORMATION SHALL BE
16 POSTED IN A CONSPICUOUS LOCATION IN ANY OFFICE OR OFFICES WHERE SUCH
17 PERMITS AND APPLICATIONS FOR PERMITS ARE ISSUED AND PROCESSED.

18 S 2. This act shall take effect immediately.