

3644

2015-2016 Regular Sessions

I N S E N A T E

February 13, 2015

Introduced by Sen. PANEPINTO -- read twice and ordered printed, and when printed to be committed to the Committee on Local Government

AN ACT to amend the real property tax law, in relation to establishing a green development home tax exemption in Erie county

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

1 Section 1. The real property tax law is amended by adding a new
2 section 431 to read as follows:

3 S 431. ERIE COUNTY GREEN DEVELOPMENT HOME TAX EXEMPTION. 1. AS USED
4 IN THIS SECTION, THE FOLLOWING TERMS SHALL HAVE THE FOLLOWING MEANINGS:

5 (A) "APPLICANT" MEANS ANY PERSON OBLIGATED TO PAY REAL PROPERTY TAXES
6 ON THE PROPERTY FOR WHICH AN EXEMPTION FROM REAL PROPERTY TAXES UNDER
7 THIS SECTION IS SOUGHT.

8 (B) "CERTIFIED SILVER" SHALL MEAN (I) CERTIFIED BY THE NAHB NATIONAL
9 GREEN BUILDING CERTIFICATION PROGRAM AT A PERFORMANCE POINT LEVEL OF
10 SILVER OR BETTER, OR (II) LEED FOR NEW CONSTRUCTION CERTIFIED SILVER OR
11 BETTER.

12 (C) "GREEN DEVELOPMENT NEIGHBORHOOD" SHALL MEAN A SUBDIVISION,
13 CONSISTING OF NEW ONE, TWO OR THREE FAMILY RESIDENCES THAT IS (I) EITHER
14 A GREEN DEVELOPMENT OR LEED-ND CERTIFIED, AND (II) SUBJECT TO DEED
15 RESTRICTIONS OR OTHER COVENANTS RUNNING WITH THE LAND WHICH REQUIRE ALL
16 RESIDENCES WITHIN THE SUBDIVISION TO BE CONSTRUCTED SO AS TO BE CERTI-
17 FIED SILVER.

18 (D) "GREEN DEVELOPMENT" SHALL MEAN A SUBDIVISION DEVELOPMENT WITH A
19 PERFORMANCE POINT LEVEL OF FOUR STARS AS RATED BY THE NAHB.

20 (E) "LEED" SHALL MEAN THE UNITED STATES GREEN BUILDING COUNCIL LEADER-
21 SHIP IN ENERGY AND ENVIRONMENTAL DESIGN RATING SYSTEM.

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

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

25 (H) "NAHB" SHALL MEAN THE NATIONAL ASSOCIATION OF HOME BUILDERS.

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

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

4 2. (A) THE COUNTY OF ERIE MAY, BY LOCAL LAW, PROVIDE FOR THE EXEMPTION
5 OF REAL PROPERTY FROM TAXATION AS PROVIDED IN THIS SECTION. ERIE COUNTY
6 MAY, BY LOCAL LAW, AND ANY SCHOOL DISTRICT, ALL OR PART OF WHICH IS
7 LOCATED IN SUCH COUNTY, MAY, BY RESOLUTION, EXEMPT SUCH PROPERTY FROM
8 ITS TAXATION IN THE SAME MANNER AND TO THE SAME EXTENT AS SUCH COUNTY.
9 UPON THE ADOPTION OF SUCH A LOCAL LAW, RESIDENTIAL AND COMMON AREA REAL
10 PROPERTY WITHIN A GREEN DEVELOPMENT NEIGHBORHOOD MEETING THE REQUIRE-
11 MENTS OF PARAGRAPH (B) OF THIS SUBDIVISION SHALL BE EXEMPT FROM TAXATION
12 AND SPECIAL AD VALOREM LEVIES TO THE EXTENT OF THIRTY-FIVE PERCENT OF
13 THE ASSESSED VALUE OF SUCH REAL PROPERTY. SUCH LOCAL LAW SHALL PROVIDE
14 FOR THE PERIOD OF TIME DURING WHICH SUCH EXEMPTION SHALL CONTINUE, BUT
15 IN NO EVENT LONGER THAN TWENTY YEARS FOR EACH PARCEL WHICH APPLIES FOR
16 SUCH EXEMPTION.

17 (B) UPON OBTAINING A LEED-ND CERTIFICATION OR GREEN DEVELOPMENT
18 CERTIFICATION, A DEVELOPER SHALL FILE WITH THE TAX ASSESSOR OF THE
19 ASSESSING UNIT A COPY OF SUCH CERTIFICATION TOGETHER WITH A MAP OF THE
20 SUBDIVISION AND EVIDENCE THAT ALL OF THE RESIDENTIAL PARCELS WITHIN THE
21 SUBDIVISION ARE SUBJECT TO DEED RESTRICTIONS OR COVENANTS RUNNING WITH
22 THE LAND WHICH REQUIRE RESIDENCES TO BE CONSTRUCTED SO AS TO BE CERTI-
23 FIED SILVER. INDIVIDUAL RESIDENTIAL PARCELS WITHIN THE SUBDIVISION SHALL
24 BE ENTITLED TO A TAX EXEMPTION AS PROVIDED IN THE LOCAL LAW OR RESOL-
25 UTION UPON SUBMISSION TO THE TAX ASSESSOR OF DOCUMENTATION THAT THE
26 CONSTRUCTION IS CERTIFIED SILVER. COMMON AREA AND VACANT PARCELS WITHIN
27 THE SUBDIVISION SHALL BE EXEMPT AS PROVIDED IN THE LOCAL LAW OR RESOL-
28 UTION UPON SUBMISSION OF THE CERTIFICATION AND MAP TO THE ASSESSOR BY
29 THE DEVELOPER.

30 (C) AN EXEMPTION UNDER THIS SECTION SHALL BE GRANTED ONLY UPON APPLI-
31 CATION BY THE OWNER OF SUCH REAL PROPERTY ON A FORM PRESCRIBED BY THE
32 COMMISSIONER. SUCH APPLICATION SHALL BE FILED WITH THE ASSESSOR OF ERIE
33 COUNTY HAVING THE POWER TO ASSESS PROPERTY FOR TAXATION ON OR BEFORE THE
34 APPROPRIATE TAXABLE STATUS DATE OF SUCH MUNICIPALITY OR COUNTY.

35 (D) IF THE ASSESSOR IS SATISFIED THAT THE APPLICANT IS ENTITLED TO AN
36 EXEMPTION PURSUANT TO THIS SECTION, HE OR SHE SHALL APPROVE THE APPLICA-
37 TION AND SUCH REAL PROPERTY SHALL THEREAFTER BE EXEMPT FROM TAXATION AND
38 SPECIAL AD VALOREM LEVIES AS PROVIDED IN THIS SECTION COMMENCING WITH
39 THE ASSESSMENT ROLL PREPARED AFTER THE TAXABLE STATUS DATE FOLLOWING THE
40 SUBMISSION OF AN APPLICATION TO THE ASSESSOR. THE ASSESSED VALUE OF ANY
41 EXEMPTION GRANTED PURSUANT TO THIS SECTION SHALL BE ENTERED BY THE
42 ASSESSOR ON THE ASSESSMENT ROLL WITH THE TAXABLE PROPERTY, WITH THE
43 AMOUNT OF THE EXEMPTION SHOWN IN A SEPARATE COLUMN.

44 (E) NO SUCH EXEMPTION SHALL BE GRANTED UNLESS CONSTRUCTION OF RESI-
45 DENCES WITHIN A GREEN DEVELOPMENT NEIGHBORHOOD WAS COMMENCED SUBSEQUENT
46 TO THE DATE ON WHICH THE LOCAL LAW TOOK EFFECT.

47 S 2. This act shall take effect on the one hundred twentieth day after
48 it shall have become a law. Effective immediately, the addition, amend-
49 ment and/or repeal of any rule or regulation necessary for the implemen-
50 tation of this act on its effective date is authorized to be made on or
51 before such date.