

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:

- 1 Section 1. The real property tax law is amended by adding a new  
2 section 431 to read as follows:  
3 S 431. GREEN DEVELOPMENT NEIGHBORHOOD TAX EXEMPTION. 1. AS USED IN  
4 THIS SECTION, THE FOLLOWING TERMS SHALL HAVE THE FOLLOWING MEANINGS:  
5 (A) "MUNICIPAL CORPORATION" MEANS ANY TOWN, CITY OR VILLAGE, EXCEPT  
6 FOR A CITY HAVING MORE THAN ONE MILLION INHABITANTS.  
7 (B) "APPLICANT" MEANS ANY PERSON OBLIGATED TO PAY REAL PROPERTY TAXES  
8 ON THE PROPERTY FOR WHICH AN EXEMPTION FROM REAL PROPERTY TAXES UNDER  
9 THIS SECTION IS SOUGHT.  
10 (C) "CERTIFIED SILVER" SHALL MEAN (I) NGBS SILVER LEVEL CERTIFIED BY  
11 HOME INNOVATION RESEARCH LABS AT A PERFORMANCE LEVEL OF SILVER OR  
12 BETTER, OR (II) LEED FOR NEW CONSTRUCTION CERTIFIED SILVER OR BETTER.  
13 (D) "GREEN DEVELOPMENT NEIGHBORHOOD" SHALL MEAN A SUBDIVISION,  
14 CONSISTING OF NEW ONE, TWO OR THREE FAMILY RESIDENCES THAT IS (A) EITHER  
15 A NGBS GREEN CERTIFIED LAND DEVELOPMENT OR LEED-ND CERTIFIED, AND (B)  
16 SUBJECT TO DEED RESTRICTIONS OR OTHER COVENANTS RUNNING WITH THE LAND  
17 WHICH REQUIRE ALL RESIDENCES WITHIN THE SUBDIVISION TO BE CONSTRUCTED SO  
18 AS TO BE CERTIFIED SILVER OR BETTER.  
19 (E) "NGBS GREEN CERTIFIED LAND DEVELOPMENT" SHALL MEAN A NATIONAL  
20 GREEN BUILDING STANDARD GREEN SUBDIVISION WITH A CERTIFICATION ISSUED BY  
21 HOME INNOVATION RESEARCH LABS.  
22 (F) "LEED" SHALL MEAN THE UNITED STATES GREEN BUILDING COUNCIL LEADER-  
23 SHIP IN ENERGY AND ENVIRONMENTAL DESIGN RATING SYSTEM.

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

LBD06322-03-5

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

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

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

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

9 2. (A) THE LOCAL LEGISLATIVE BODY OF ANY MUNICIPAL CORPORATION MAY, BY  
10 LOCAL LAW, PROVIDE FOR THE EXEMPTION OF REAL PROPERTY FROM TAXATION AS  
11 PROVIDED IN THIS SECTION, PROVIDED THE GOVERNING BOARD OF SUCH MUNICIPAL  
12 CORPORATION, AFTER CONDUCTING A PUBLIC HEARING, ADOPTS A LOCAL LAW,  
13 ORDINANCE OR RESOLUTION PROVIDING THEREFOR. UPON THE ADOPTION OF SUCH A  
14 LOCAL LAW, THE COUNTY IN WHICH SUCH MUNICIPAL CORPORATION IS LOCATED  
15 MAY, BY LOCAL LAW, AND ANY SCHOOL DISTRICT, ALL OR PART OF WHICH IS  
16 LOCATED IN SUCH MUNICIPAL CORPORATION, MAY, BY RESOLUTION, EXEMPT SUCH  
17 PROPERTY FROM ITS TAXATION IN THE SAME MANNER AND TO THE SAME EXTENT AS  
18 SUCH MUNICIPAL CORPORATION. UPON THE ADOPTION OF SUCH A LOCAL LAW,  
19 RESIDENTIAL AND COMMON AREA REAL PROPERTY WITHIN A GREEN DEVELOPMENT  
20 NEIGHBORHOOD MEETING THE REQUIREMENTS OF PARAGRAPH (B) OF THIS SUBDIVI-  
21 SION SHALL HAVE A MAXIMUM EXEMPTION FROM TAXATION AND SPECIAL AD VALOREM  
22 LEVIES TO THE EXTENT OF ANY INCREASE IN ASSESSED VALUE RESULTING FROM  
23 THE CONSTRUCTION OF A GREEN DEVELOPMENT NEIGHBORHOOD. SUCH LOCAL LAW  
24 SHALL PROVIDE FOR THE PERCENTAGE OF SUCH EXEMPTION AND THE PERIOD OF  
25 TIME DURING WHICH SUCH EXEMPTION SHALL CONTINUE, BUT IN NO EVENT LONGER  
26 THAN TEN YEARS FOR EACH PARCEL WHICH APPLIES FOR SUCH EXEMPTION.

27 (B) UPON OBTAINING A LEED-ND CERTIFICATION OR NGBS GREEN CERTIFIED  
28 LAND DEVELOPMENT CERTIFICATION, A DEVELOPER SHALL FILE WITH THE TAX  
29 ASSESSOR OF THE ASSESSING UNIT A COPY OF SUCH CERTIFICATION TOGETHER  
30 WITH A MAP OF THE SUBDIVISION AND EVIDENCE THAT ALL OF THE RESIDENTIAL  
31 PARCELS WITHIN THE SUBDIVISION ARE SUBJECT TO DEED RESTRICTIONS OR  
32 COVENANTS RUNNING WITH THE LAND WHICH REQUIRE RESIDENCES TO BE  
33 CONSTRUCTED SO AS TO BE CERTIFIED SILVER OR BETTER. INDIVIDUAL RESIDEN-  
34 TIAL PARCELS WITHIN THE SUBDIVISION SHALL BE ENTITLED TO A TAX EXEMPTION  
35 AS PROVIDED IN THE LOCAL LAW OR RESOLUTION UPON SUBMISSION TO THE TAX  
36 ASSESSOR OF DOCUMENTATION THAT THE CONSTRUCTION IS CERTIFIED SILVER OR  
37 BETTER. COMMON AREA AND VACANT PARCELS WITHIN THE SUBDIVISION SHALL BE  
38 EXEMPT AS PROVIDED IN THE LOCAL LAW OR RESOLUTION UPON SUBMISSION OF THE  
39 CERTIFICATION AND MAP TO THE ASSESSOR BY THE DEVELOPER.

40 (C) AN EXEMPTION UNDER THIS SECTION SHALL BE GRANTED ONLY UPON APPLI-  
41 CATION BY THE OWNER OF SUCH REAL PROPERTY ON A FORM PRESCRIBED BY THE  
42 COMMISSIONER. SUCH APPLICATION SHALL BE FILED WITH THE ASSESSOR OF THE  
43 MUNICIPAL CORPORATION OR COUNTY HAVING THE POWER TO ASSESS PROPERTY FOR  
44 TAXATION ON OR BEFORE THE APPROPRIATE TAXABLE STATUS DATE OF SUCH MUNIC-  
45 IPAL CORPORATION OR COUNTY.

46 (D) IF THE ASSESSOR IS SATISFIED THAT THE APPLICANT IS ENTITLED TO AN  
47 EXEMPTION PURSUANT TO THIS SECTION, HE OR SHE SHALL APPROVE THE APPLICA-  
48 TION AND SUCH REAL PROPERTY SHALL THEREAFTER BE EXEMPT FROM TAXATION AND  
49 SPECIAL AD VALOREM LEVIES AS PROVIDED IN THIS SECTION COMMENCING WITH  
50 THE ASSESSMENT ROLL PREPARED AFTER THE TAXABLE STATUS DATE FOLLOWING THE  
51 SUBMISSION OF AN APPLICATION TO THE ASSESSOR. THE ASSESSED VALUE OF ANY  
52 EXEMPTION GRANTED PURSUANT TO THIS SECTION SHALL BE ENTERED BY THE  
53 ASSESSOR ON THE ASSESSMENT ROLL WITH THE TAXABLE PROPERTY, WITH THE  
54 AMOUNT OF THE EXEMPTION SHOWN IN A SEPARATE COLUMN.

1 (E) NO SUCH EXEMPTION SHALL BE GRANTED UNLESS CONSTRUCTION OF RESI-  
2 DENCES WITHIN A GREEN DEVELOPMENT NEIGHBORHOOD WAS COMMENCED SUBSEQUENT  
3 TO THE DATE ON WHICH THE MUNICIPAL CORPORATION'S LOCAL LAW TOOK EFFECT.

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