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

7702

I N S E N A T E

May 12, 2016

Introduced by Sen. SERINO -- 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 a mixed use exemption program in certain villages

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 485-s to read as follows:

S 485-S. MIXED USE EXEMPTION PROGRAM FOR VILLAGES. 1. AS USED IN THIS SECTION, THE FOLLOWING TERMS SHALL HAVE THE FOLLOWING MEANINGS:

(A) "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.

(B) "MIXED-USE PROPERTY" MEANS PROPERTY WITH A BUILDING OR STRUCTURE USED FOR BOTH RESIDENTIAL AND COMMERCIAL PURPOSES.

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

2. ANY VILLAGE WITH A POPULATION GREATER THAN FIVE THOUSAND FIVE HUNDRED AND LESS THAN FIVE THOUSAND SIX HUNDRED BASED UPON THE LATEST DECENNIAL CENSUS MAY, BY LOCAL LAW, PROVIDE FOR THE EXEMPTION OF REAL PROPERTY FROM TAXATION AS PROVIDED IN THIS SECTION. UPON THE ADOPTION OF SUCH A LOCAL LAW, THE COUNTY AND TOWN IN WHICH SUCH VILLAGE IS LOCATED MAY, BY LOCAL LAW, AND ANY SCHOOL DISTRICT, ALL OR PART OF WHICH IS LOCATED IN SUCH VILLAGE, MAY, BY RESOLUTION, EXEMPT SUCH PROPERTY FROM ITS TAXATION IN THE SAME MANNER AND TO THE SAME EXTENT AS SUCH VILLAGE HAS DONE.

3. UPON THE ADOPTION OF SUCH A LOCAL LAW, NEWLY CONSTRUCTED MIXED-USE PROPERTY, SHALL BE EXEMPT FROM TAXATION AND SPECIAL AD VALOREM LEVIES AS PROVIDED FOR IN SUBDIVISION FOUR OF THIS SECTION.

4. (A) FOR A PERIOD OF TWENTY YEARS FROM THE APPROVAL OF AN APPLICATION, THE INCREASE IN ASSESSED VALUE OF SUCH PROPERTY ATTRIBUTABLE TO SUCH CONSTRUCTION SHALL BE EXEMPT AS PROVIDED IN PARAGRAPH (B) OF THIS SUBDIVISION. SUCH EXEMPTION SHALL BE COMPUTED WITH RESPECT TO THE "EXEMPTION BASE". THE EXEMPTION BASE SHALL BE DETERMINED FOR EACH YEAR IN WHICH THERE IS AN INCREASE IN ASSESSED VALUE SO ATTRIBUTABLE FROM THAT OF THE PREVIOUS YEAR'S ASSESSED VALUE.

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

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(B) THE FOLLOWING TABLE SHALL ILLUSTRATE THE COMPUTATION OF THE TAX EXEMPTION:

YEAR OF EXEMPTION	PERCENTAGE OF EXEMPTION
1-2	90% OF EXEMPTION BASE
3	80% OF EXEMPTION BASE
4	75% OF EXEMPTION BASE
5	70% OF EXEMPTION BASE
6	65% OF EXEMPTION BASE
7	60% OF EXEMPTION BASE
8	55% OF EXEMPTION BASE
9	50% OF EXEMPTION BASE
10	45% OF EXEMPTION BASE
11	40% OF EXEMPTION BASE
12	35% OF EXEMPTION BASE
13	30% OF EXEMPTION BASE
14	25% OF EXEMPTION BASE
15	20% OF EXEMPTION BASE
16	15% OF EXEMPTION BASE
17-18	10% OF EXEMPTION BASE
19-20	5% OF EXEMPTION BASE

(C) NO SUCH EXEMPTION SHALL BE GRANTED UNLESS SUCH CONSTRUCTION WAS COMMENCED SUBSEQUENT TO THE DATE ON WHICH THE VILLAGE'S LOCAL LAW TOOK EFFECT.

(D) NO SUCH EXEMPTION SHALL BE GRANTED CONCURRENT WITH OR SUBSEQUENT TO ANY OTHER REAL PROPERTY TAX EXEMPTION GRANTED TO THE SAME IMPROVEMENTS TO REAL PROPERTY, EXCEPT, WHERE DURING THE PERIOD OF SUCH PREVIOUS EXEMPTION, PAYMENTS IN LIEU OF TAXES OR OTHER PAYMENTS WERE MADE TO THE LOCAL GOVERNMENT IN AN AMOUNT THAT WOULD HAVE BEEN EQUAL TO OR GREATER THAN THE AMOUNT OF REAL PROPERTY TAXES THAT WOULD HAVE BEEN PAID ON SUCH IMPROVEMENTS HAD SUCH PROPERTY BEEN GRANTED AN EXEMPTION PURSUANT TO THIS SECTION. IN SUCH CASE, AN EXEMPTION SHALL BE GRANTED FOR A NUMBER OF YEARS EQUAL TO THE TWENTY YEAR EXEMPTION GRANTED PURSUANT TO THIS SECTION LESS THE NUMBER OF YEARS THE PROPERTY WOULD HAVE BEEN PREVIOUSLY EXEMPT FROM REAL PROPERTY TAXES.

5. SUCH EXEMPTION 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 ON OR BEFORE THE APPROPRIATE TAXABLE STATUS DATE.

6. 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 REFERRED TO IN SUBDIVISION FIVE OF THIS SECTION. 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.

7. A LOCAL LAW OR RESOLUTION ADOPTED PURSUANT TO THIS SECTION MAY BE REPEALED BY THE GOVERNING BODY OF THE APPLICABLE VILLAGE, COUNTY, TOWN, OR SCHOOL DISTRICT, PROVIDED THAT SUCH REPEAL SHALL OCCUR AT LEAST NINETY DAYS PRIOR TO THE APPLICABLE TAXABLE STATUS DATE AND PROVIDED FURTHER THAT NO SUCH LOCAL LAW OR RESOLUTION SHALL REPEAL AN EXEMPTION GRANTED PURSUANT TO THIS SECTION UNTIL THE EXPIRATION OF THE PERIOD FOR WHICH SUCH EXEMPTION WAS GRANTED.

S 2. This act shall take effect immediately.