

STATE OF NEW YORK

2237--B

2017-2018 Regular Sessions

IN ASSEMBLY

January 17, 2017

Introduced by M. of A. PEOPLES-STOKES -- read once and referred to the Committee on Real Property Taxation -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee -- reported and referred to the Committee on Ways and Means -- recommitted to the Committee on Ways and Means in accordance with Assembly Rule 3, sec. 2 -- 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 providing a tax abatement related to the removal of leaded paint

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 467-k to read as follows:

3 § 467-k. Abatement of real property taxes for the cost of lead-based
4 paint remediation to certain residential rental buildings. 1. Residen-
5 tial rental buildings where lead-based paint remediation is completed
6 subsequent to the effective date of a local law or resolution adopted
7 pursuant to this section shall receive a real property tax abatement to
8 the extent provided in this section. After a public hearing, the govern-
9 ing board of a city may adopt a local law to grant the abatement author-
10 ized pursuant to this section. A copy of such local law or resolution
11 shall be filed with the commissioner and the assessor of such city.

12 2. As used in this section:

13 a. "Lead-based paint remediation" shall mean any set of measures
14 designed to permanently eliminate lead-based paint or lead-based paint
15 hazards. Remediation includes: (i) the removal of lead-based paint and
16 dust lead hazards, the permanent enclosure or encapsulation of lead-
17 based paint, the replacement of components or fixtures painted with
18 lead-based paint, and the removal or permanent covering of soil-lead
19 hazards; and (ii) all preparation, cleanup, disposal and post abatement
20 clearance testing associated with such measures. Remediation shall not

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

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1 include renovation, remodeling, landscaping or other activities, when
2 such activities are not designed to permanently eliminate lead-based
3 paint hazards, but, instead, are designed to repair, restore, or remodel
4 a given structure or dwelling, even though these activities may inci-
5 dentally result in a reduction or elimination of lead-based paint
6 hazards. Furthermore, remediation does not include interim controls,
7 operations and maintenance activities, or other measures and activities
8 designed to temporarily, but not permanently, reduce lead-based paint
9 hazards.

10 b. "Assessor" shall have the same meaning as provided in subdivision
11 three of section one hundred two of this chapter, provided that the city
12 may designate an agency or person to exercise the functions, powers and
13 duties tasked to the assessor pursuant to this section.

14 c. "Residential rental building" shall mean a residential building
15 with three or more dwelling units, other than a hotel, which is either
16 rented or leased, to be occupied, or is occupied as the residence or
17 home of three or more families living independently of each other.

18 d. "Cost of lead-based paint remediation" shall mean the costs
19 incurred to safely remove leaded paint from interior surfaces, window
20 sills, window frames or porches.

21 3. a. Such residential rental building shall receive an abatement in
22 an amount equal to the cost of the lead-based paint remediation,
23 provided that the governing body of the city may establish maximum
24 dollar limits for specified items of cost through its local law. Addi-
25 tionally, such governing body may establish a maximum total abatement
26 amount granted per residential rental building.

27 b. The abatement shall be paid over a maximum period of two years,
28 provided that, notwithstanding paragraph a of this subdivision, the tax
29 abatement shall not exceed the tax liability for the residential rental
30 building in the tax year in which the tax abatement is taken.

31 c. No such abatement shall be granted for the lead-based paint remedi-
32 ation unless:

33 (i) the lead-based paint remediation commenced subsequent to the
34 effective date of the local law or resolution adopted pursuant to subdi-
35 vision one of this section;

36 (ii) the lead-based paint remediation was performed by firms and
37 personnel certified to perform lead-based paint activities in accordance
38 with regulations issued by the United States Environmental Protection
39 Agency at subpart L of 40 C.F.R. part 745 for the abatement of lead
40 hazards; and

41 (iii) the residential rental building does not have any delinquent
42 city taxes as of the taxable status date applicable to the tax roll on
43 which an abatement is applied, or as of such later date as specified by
44 local law.

45 4. Such abatement shall be granted only upon application by the owner
46 of such building on a form prescribed by the commissioner. The applica-
47 tion shall be filed with the assessor of the city, before the appropri-
48 ate taxable status date of such city and within one year of the
49 completion of the lead paint remediation. Such application shall at a
50 minimum include:

51 a. sworn statements by the firm who performed the lead-based paint
52 remediation on the property and the property owner attesting to the
53 completion of the lead-based paint remediation for which the abatement
54 is sought;

1 b. a copy of the certification by the United States Environmental
2 Protection Agency of the firm that performed lead-based paint remedi-
3 ation; and

4 c. a summary of the completed lead-based paint remediation work with
5 the itemized cost of lead-based paint remediation from the firm that
6 performed the lead-based remediation and proof of payment.

7 5. If satisfied that the applicant is entitled to an abatement pursu-
8 ant to this section, the assessor shall approve the application and such
9 residential rental building shall receive an abatement of property taxes
10 as provided in this section commencing with the property taxes based
11 upon the taxable status date referred to in subdivision four of this
12 section. After approving an application, the assessor shall inform in
13 writing any owner who applies for the abatement provided for in this
14 section of the amount of such as soon as practicable. A residential
15 rental building shall only be eligible to receive an abatement pursuant
16 to this section for one lead-based paint remediation project.

17 6. The information contained in applications or statements made in
18 connection therewith, filed with the assessor pursuant to subdivision
19 four of this section shall not be subject to disclosure under article
20 six of the public officers law.

21 § 2. This act shall take effect immediately and shall apply to assess-
22 ment rolls prepared on the basis of taxable status dates occurring on or
23 after January 1, 2019.