

# STATE OF NEW YORK

94

2017-2018 Regular Sessions

## IN ASSEMBLY

(Prefiled)

January 4, 2017

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

AN ACT to amend the real property tax law, in relation to a cooperative real property tax administration system

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 arti-  
2 cle 17 to read as follows:

### ARTICLE 17

#### COOPERATIVE REAL PROPERTY TAX ADMINISTRATION SYSTEM

##### Title 1. Implementation of article.

##### 2. Assessment administration.

##### 3. Allocation of taxes among classes of real property.

##### 4. Miscellaneous provisions.

#### TITLE 1

#### IMPLEMENTATION OF ARTICLE

##### Section 1710. Definitions.

##### 1711. Adoption of article.

##### 1712. Applicability; scope of article.

##### 1713. County revaluation commission.

##### § 1710. Definitions. As used in this article:

16 1. "Class" or "class of real property" means any of the classes  
17 defined in subdivision one of section seventeen hundred thirty of this  
18 article.

19 2. "Segment" means that part of a split tax district that is located  
20 (a) within a county which has adopted the provisions of this article or  
21 (b) within a city or town outside of such county.

22 3. "Split tax district" means a school district or a village located  
23 partly within and partly without a county which has adopted the  
24 provisions of this article.

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

LBD01499-01-7

1 4. "Tax" means a charge imposed upon real property by or on behalf of  
2 a county, city, town, village, or school district for municipal or  
3 school district purposes, including a special ad valorem levy imposed on  
4 behalf of any other special district, but does not include a special  
5 assessment.

6 § 1711. Adoption of article. 1. The county legislature of any county  
7 may adopt a local law, without referendum, to provide that the real  
8 property taxes within the cities, towns, and villages therein shall be  
9 administered in accordance with the provisions of this article. A copy  
10 of such local law shall be filed with the chief executive officer of  
11 each assessing unit therein and with the commissioner within thirty days  
12 of the adoption thereof.

13 2. Each assessing unit within such county shall adopt an assessment  
14 roll with full value assessments thereon. These full value assessments  
15 shall be entered on the first final assessment roll to be completed on  
16 or after August first of the third calendar year following the adoption  
17 of a local law pursuant to subdivision one of this section. Valuation  
18 data are to be provided to each assessing unit by the county as part of  
19 the county-wide revaluation program to enable each assessing unit within  
20 the county to timely adopt a full value assessment roll as required by  
21 this article.

22 3. Each assessing unit within the county shall conduct an update of  
23 assessments every five years pursuant to the provisions of section  
24 seventeen hundred twenty of this article. Valuation data are to be  
25 shared with the county and with other assessing units within the county.

26 § 1712. Applicability; scope of article. 1. The provisions of this  
27 article shall apply to a county which enacts a local law pursuant to  
28 section seventeen hundred eleven of this title and to each municipal  
29 corporation which is wholly contained therein.

30 2. Notwithstanding the provisions of article twenty of this chapter,  
31 to the extent that any provision of this article may conflict with  
32 another provision of this chapter or any other law pertaining to real  
33 property tax administration, the provisions of this article shall  
34 control.

35 3. The provisions of article nineteen of this chapter are not applica-  
36 ble to a county which has adopted a local law pursuant to section seven-  
37 teen hundred eleven of this title and each municipal corporation which  
38 is wholly contained therein.

39 § 1713. County revaluation commission. 1. Establishment. The local law  
40 adopted pursuant to section seventeen hundred eleven of this title shall  
41 include provisions establishing a county revaluation commission which  
42 shall oversee a county-wide revaluation to be completed at the expense  
43 of the county.

44 2. Membership. (a) The county revaluation commission shall consist of  
45 at least five members, appointed by either the county executive, subject  
46 to the confirmation of the county governing body, or the county govern-  
47 ing body, if the county has not elected a county executive. There may be  
48 as many members of the commission as there are assessing units within  
49 the county plus five; provided, however, that each assessing unit need  
50 not be represented on the commission, nor need assessing units be  
51 represented in equal number, if the local law does not so provide. The  
52 commission shall meet at least once in each calendar month until a coun-  
53 ty-wide revaluation is completed.

54 (b) No member of the commission shall be an employee or elected offi-  
55 cial of the county.

1 (c) Each member of the commission shall take an oath of office prior  
2 to service as a member.

3 (d) The appointing authority shall designate one of the members of the  
4 commission to serve as chairperson. The commission shall choose from  
5 among its members all such other officers the commission deems neces-  
6 sary, including a secretary to provide for public notice of the time and  
7 place of each meeting and to keep full and accurate records of each  
8 meeting.

9 3. Powers and duties. (a) The county revaluation commission shall have  
10 full authority to take all necessary steps for implementation of the  
11 county-wide revaluation; provided, however, that the commission shall  
12 have no authority to review the valuation or exempt status of any indi-  
13 vidual parcel as established by an assessor or board of assessment  
14 review in the county.

15 (b) The commission may appoint a staff or contract for technical  
16 services to perform such duties as are necessary to enable members to  
17 properly and efficiently carry out the provisions of this article,  
18 subject to budgetary appropriations. Nothing in this subdivision shall  
19 be construed to prevent a county from assigning existing county person-  
20 nel to assist the commission in lieu of additional budgetary appropri-  
21 ations.

22 4. Cessation. The county revaluation commission shall cease to exist  
23 upon completion of the county-wide revaluation.

24 TITLE 2

25 ASSESSMENT ADMINISTRATION

26 Section 1720. Standard of assessment; valuation date.

27 1721. Taxable status date.

28 1722. Review of assessments.

29 1723. State equalization rates.

30 1724. Apportionment of taxes.

31 1725. Review of compliance by county.

32 1726. Condominium assessments.

33 § 1720. Standard of assessment; valuation date. 1. All real property  
34 subject to taxation in each assessing unit to which this article applies  
35 shall be assessed at its full value as of the first day of January of  
36 the year preceding the year in which the initial revaluation is imple-  
37 mented, and as of the first day of January in every fifth year thereaft-  
38 er. The valuation date shall be imprinted or otherwise indicated at the  
39 top of each page of each volume of the assessment roll.

40 2. At any time within the five year cycle, an assessor may adjust the  
41 assessment of any parcel if the value of the parcel has been substan-  
42 tially affected by a change in physical condition, by a change in state  
43 or local land use regulation, or by extraordinary physical changes in  
44 the area in which the property is located. The adjusted assessment shall  
45 be computed as if the change had existed as of the valuation date of the  
46 assessing unit.

47 § 1721. Taxable status date. The taxable status of real property in  
48 each assessing unit to which this article applies shall be determined  
49 annually according to its condition and ownership as of the first of  
50 March, and the valuation thereof shall be determined as of the preceding  
51 January first, as provided in section seventeen hundred twenty of this  
52 title. The date of taxable status of real property contained on any  
53 assessment roll shall be imprinted or otherwise indicated at the top of  
54 each page of each volume of such roll.

55 § 1722. Review of assessments. 1. Administrative review of assessments  
56 shall be available in accordance with the provisions of title one-A of

1 article five of this chapter, subject to the provisions of subdivision  
2 three of this section.

3 2. Judicial review of assessments shall be available in accordance  
4 with the provisions of titles one and one-A of article seven of this  
5 chapter, subject to the provisions of subdivision three of this section.

6 3. An assessment may be challenged on the grounds of inequality only  
7 if (a) the county has determined pursuant to section seventeen hundred  
8 twenty-five of this title that the assessing unit is not in compliance  
9 with the requirements of section seventeen hundred twenty of this title,  
10 and such determination, if timely challenged by the assessing unit, is  
11 upheld on appeal, as provided for in section seventeen hundred twenty-  
12 five of this title or (b) the complainant demonstrates by clear and  
13 compelling evidence that the assessing unit is not in compliance with  
14 the requirements of such section. For purposes of this subdivision, the  
15 term "clear and compelling evidence" shall include a stratified random  
16 sample complying with the requirements of subdivision three of section  
17 seven hundred twenty of this chapter, but shall not include the state  
18 equalization rate or the residential assessment ratio.

19 § 1723. State equalization rates. State equalization rates for assess-  
20 ing units in a county which is subject to the provisions of this article  
21 shall be determined in the manner set forth in article twelve of this  
22 chapter, subject to the following:

23 1. Market value surveys. The commissioner shall conduct each market  
24 value survey within the county by sampling the ratio of assessments to  
25 market values for each major type of taxable real property in the coun-  
26 ty.

27 2. Identical equalization rates. The commissioner shall establish  
28 identical equalization rates for all of the assessing units in the coun-  
29 ty.

30 3. Administrative review. (a) If an assessing unit in the county files  
31 a complaint with the commissioner against a tentative equalization rate,  
32 it shall simultaneously, in addition to any other requirement, serve a  
33 copy of its complaint upon all of the other assessing units in the coun-  
34 ty.

35 (b) If an assessing unit should wish to support, object to, or express  
36 an opinion on a complaint filed by another assessing unit in the county,  
37 it shall have the right to file written statements with the commissioner  
38 on or before the date on which the complaint is scheduled to be heard.  
39 Simultaneously, a copy of any such statements shall be served upon all  
40 of the other assessing units in the county.

41 (c) Any change made to the tentative equalization rate as a result of  
42 administrative review shall apply to all of the assessing units in the  
43 county.

44 4. Judicial review. If an assessing unit in the county petitions for  
45 judicial review of a final equalization rate, a copy of its petition  
46 shall simultaneously be served upon the other assessing units in the  
47 county. Any change made to the final equalization rate as a result of  
48 such judicial review shall apply to all of the assessing units in the  
49 county.

50 § 1724. Apportionment of taxes. 1. When a municipal corporation is  
51 wholly contained within two or more assessing units to which this arti-  
52 cle is applicable, the taxes of the municipal corporation shall be  
53 apportioned between or among such assessing units as follows:

54 (a) If the municipal corporation has not adopted classified tax rates  
55 pursuant to title three of this article, taxes shall be levied directly  
56 upon the taxable assessed valuations appearing on the assessment rolls,

1 subject to the provisions of subdivision three of section seventeen  
2 hundred twenty-five of this title.

3 (b) If the municipal corporation has adopted classified tax rates  
4 pursuant to title three of this article, taxes shall be allocated in the  
5 manner provided therein, subject to the provisions of subdivision three  
6 of section seventeen hundred twenty-five of this title.

7 2. When a split tax district has not established classified tax rates  
8 pursuant to section seventeen hundred thirty-three of this article, the  
9 taxes of the split tax district shall be apportioned as follows:

10 (a) The assessing units in the county to which this article applies  
11 shall be treated collectively as if they were a single unit, and taxes  
12 shall be apportioned between or among that single unit and all other  
13 assessing units in the manner otherwise provided by law.

14 (b) Within the county to which this article applies, taxes shall be  
15 levied directly upon the taxable assessed valuations appearing on the  
16 assessment rolls, subject to the provisions of subdivision three of  
17 section seventeen hundred twenty-five of this title.

18 § 1725. Review of compliance by county. 1. Scope of review. Within  
19 thirty days after the filing of a final assessment roll by any assessing  
20 unit, the county shall review such roll to determine whether or not the  
21 assessing unit is in compliance with the requirements of section seven-  
22 teen hundred twenty of this title. In conducting such review, the county  
23 shall consider the overall level of assessment, the uniformity of  
24 assessments, and the amount of time that has passed since the last  
25 revaluation or update.

26 2. Compliance. When the county determines that the assessing unit is  
27 in compliance with the requirements of section seventeen hundred twenty  
28 of this title, a percentage of one hundred percent shall be used for the  
29 equalization of assessments of special franchise property, assessments  
30 of taxable state land, railroad ceilings, and any other assessment,  
31 ceiling, exemption, or value for which any statute would otherwise  
32 require application of a state equalization rate or special equalization  
33 rate.

34 3. Non-compliance. (a) When the county determines that an assessing  
35 unit is not in compliance with the requirements of section seventeen  
36 hundred twenty of this title, the county, after consulting with such  
37 assessing unit, may request the public official having custody of that  
38 assessment roll or any tax levying body to take any actions that are  
39 necessary to provide for an equitable apportionment of taxes levied  
40 against the assessments appearing on that assessment roll and may  
41 request that the assessor and the assessing unit take any steps neces-  
42 sary to ensure that the next assessment roll prepared is in compliance  
43 with the requirements of section seventeen hundred twenty of this title.  
44 If such actions cannot be taken prior to the extension of taxes for that  
45 fiscal year, the tax levying body may cause the levy for the ensuing  
46 fiscal year to be adjusted to account for the improper apportionments,  
47 upon notice to the commissioner.

48 (b) In the event that the assessing unit does not agree with the coun-  
49 ty's determination or recommended course of action, such assessing unit  
50 may request further review of the matter by the municipal compliance  
51 appeals panel authorized pursuant to subdivision four of this section.

52 4. Municipal compliance appeals panel. (a) The municipal compliance  
53 appeals panel shall adjudicate disputes between the county and an  
54 assessing unit within the county regarding compliance with the require-  
55 ments of section seventeen hundred twenty of this title.

1 (b) The municipal compliance appeals panel shall be composed of five  
2 members, each being a resident of a different assessing unit within the  
3 county. Such members shall be appointed by either the county executive,  
4 subject to the confirmation of the county governing body, or the county  
5 governing body, if the county has not elected a county executive. Each  
6 of the members shall be appointed on the written recommendation of the  
7 chief executive officer of the assessing unit being represented.  
8 Provision shall also be made for the appointment, in the manner provided  
9 in this paragraph, of one alternate member to serve in the event of the  
10 recusal or absence of a regular member of the compliance appeals panel.

11 (c) Each member shall serve a three year term and shall continue to  
12 hold office until his or her successor is appointed and duly qualified.  
13 A member chosen to fill a vacancy created otherwise than by expiration  
14 of a term shall be appointed for the unexpired term of the member whom  
15 he or she is to succeed. An assessing unit shall not be represented on  
16 the panel for more than one term until such time as all other assessing  
17 units have been represented on such panel.

18 (d) No member of the panel shall be an employee or an elected official  
19 of the county. Each member of the panel shall take an oath of office  
20 prior to service as a member. The appointing authority shall designate  
21 one of the members of the panel to serve as chairperson. The panel shall  
22 have the power and duty to adopt and amend suitable procedural rules  
23 with respect to the functioning of the panel and the setting of time  
24 limits for the hearing of appeals, the rendering of decisions, and the  
25 filing of decisions of the panel with the clerk of the county and the  
26 clerk of all municipalities within the county.

27 5. Appeal to commissioner. Any municipal corporation adversely  
28 affected by any action, or lack of action, by the county pursuant to  
29 this section or any determination by the municipal compliance appeals  
30 panel may seek review by the commissioner in the manner provided by  
31 title one of article eight of this chapter. Such review must be  
32 commenced by service of a complaint upon the commissioner and the county  
33 within one hundred twenty days of the action or lack of action at issue.  
34 The standard of review by the commissioner shall be whether or not the  
35 action taken resulted in a fair and equitable apportionment of taxes.  
36 The commissioner may issue an order directing corrective action neces-  
37 sary for the fair and equitable apportionment of taxes. The commissioner  
38 shall provide by rule for the procedures to be followed in the review of  
39 county and municipal compliance appeals panel actions pursuant to subdi-  
40 visions three and four of this section.

41 6. Change in level of assessment factor. The county shall establish  
42 the appropriate change in level of assessment factor, as defined in  
43 section twelve hundred twenty of this chapter, for each assessing unit,  
44 to the extent required for the computation of any exemption from taxa-  
45 tion.

46 § 1726. Condominium assessments. Real property owned on a condominium  
47 basis and classified within class one pursuant to section seventeen  
48 hundred thirty of this article shall be assessed pursuant to the  
49 provisions of this section.

50 1. The assessor of an assessing unit in which such real property is  
51 located shall compute an assessment which would be placed on such parcel  
52 pursuant to the provisions of section five hundred eighty-one of this  
53 chapter and section three hundred thirty-nine-y of the real property  
54 law, which value shall be known as the restricted assessed valuation.

55 2. The assessor of an assessing unit in which such real property is  
56 located shall compute an assessment which would be placed on such parcel

1 without regard to the restrictions found in section five hundred eight-  
2 y-one of this chapter and section three hundred thirty-nine-y of the  
3 real property law, which value shall be known as the unrestricted  
4 assessed valuation.

5 3. The assessor of an assessing unit shall enter the unrestricted  
6 assessed valuation on the assessment roll of such assessing unit and the  
7 restricted assessed valuation in a separate column of the assessment  
8 roll of such assessing unit.

9 4. A municipal corporation which levies taxes pursuant to section  
10 seventeen hundred thirty-one of this article shall levy such taxes  
11 against the unrestricted assessed valuation of such parcels for taxes  
12 imposed by or on behalf of such municipal corporation.

13 5. A municipal corporation which does not levy taxes pursuant to  
14 section seventeen hundred thirty-one of this article shall levy such  
15 taxes against the restricted assessed valuation of such parcels for  
16 taxes levied by or on behalf of such municipal corporation.

17 TITLE 3

18 ALLOCATION OF TAXES AMONG CLASSES OF REAL PROPERTY

19 Section 1730. Classification of real property.

20 1731. Adoption of classified tax rate system.

21 1732. Establishment of class tax shares and class tax rates.

22 1733. Classified tax rates in split tax districts.

23 1734. Correction of erroneous allocations.

24 § 1730. Classification of real property. 1. The assessor of each  
25 assessing unit subject to the provisions of this article, shall classify  
26 all real property on each assessment roll as follows:

27 Class one: all one, two, and three family residential real property,  
28 including such dwellings used in part for nonresidential purposes but  
29 which are used primarily for residential purposes, except such property  
30 held in cooperative form of ownership, and all other residential real  
31 property held in condominium form of ownership;

32 Class two: all other residential real property, except hotels and  
33 motels and other similar commercial property;

34 Class three: all other real property which is not designated as class  
35 one or class two.

36 2. In addition to any other requirements of law or rule of the state  
37 board, the assessment roll shall contain a separate column for the entry  
38 of the class designation required by this section. The assessor shall  
39 enter the appropriate class designation in this column for each parcel  
40 listed on the assessment roll.

41 3. The determination of inclusion within a class pursuant to this  
42 section shall be subject to administrative and judicial review as  
43 provided by law for the review of assessments.

44 § 1731. Adoption of classified tax rate system. 1. (a) Generally. A  
45 municipal corporation to which this article applies may adopt a local  
46 law, without referendum, or, in the case of a school district, a resol-  
47 ution without a public hearing, providing that taxes of such municipal  
48 corporation shall be allocated among the real property classes using tax  
49 shares adopted pursuant to this article. Such local law or resolution  
50 shall be adopted no later than thirty days prior to the first levy of  
51 taxes to which it is to apply. A copy of such local law or resolution  
52 shall be filed with the state board no later than ten days after the  
53 adoption thereof. Thereafter, and until such time as such local law or  
54 resolution is rescinded as provided in subdivision two of this section,  
55 the governing body of such municipal corporation shall establish class  
56 tax shares for each class in the municipal corporation in the manner

1 prescribed by this article and shall allocate its taxes to each class  
2 accordingly.

3 (b) Special districts. Where a municipal corporation levies a tax on  
4 behalf of a special district and such municipal corporation has adopted  
5 a local law pursuant to this section, the governing body of such municipi-  
6 pal corporation shall establish class tax shares for each class in the  
7 special district in the manner prescribed in section seventeen hundred  
8 thirty-two of this title and shall allocate to each class in the special  
9 district a share of such special district's tax equal to the class tax  
10 share so established.

11 (c) Split tax districts. A split tax district may adopt classified tax  
12 rates in the manner provided by section seventeen hundred thirty-three  
13 of this title.

14 2. Rescission. A governing body of a municipal corporation which has  
15 adopted the provisions of this section may by local law, without refer-  
16 endum, or, in the case of a school district, by resolution without a  
17 public hearing, adopted no later than the last date prescribed by law  
18 for the levy of taxes upon an assessment roll to which the classified  
19 tax rate system would otherwise be applicable, determine that the clas-  
20 sified tax rate system shall no longer apply to any subsequent levies. A  
21 copy thereof shall be filed with the commissioner no later than ten days  
22 after the adoption thereof.

23 § 1732. Establishment of class tax shares and class tax rates. 1.  
24 Annual resolution. The governing body of a municipal corporation which  
25 has adopted the classified tax rate system pursuant to section seventeen  
26 hundred thirty-one of this title shall adopt a resolution prior to or  
27 concurrently with the levy of taxes for each fiscal year, setting forth  
28 the class allocation factors, class tax shares, and class tax rates  
29 established for such levy pursuant to this section. A copy of such  
30 resolution shall be filed with the commissioner no later than ten days  
31 after the adoption thereof.

32 2. Current percentages. Prior to establishing the class allocation  
33 factors, the governing body or its designee shall calculate current  
34 percentages for each class by dividing the taxable assessed value of the  
35 real property in the class in the municipal corporation by the taxable  
36 assessed value of all real property in the municipal corporation. Such  
37 taxable assessed values shall be determined on the basis of the final  
38 assessment roll or rolls on which taxes are to be levied.

39 3. Allocation factors. (a) The governing body shall determine for each  
40 levy the percentage of the total tax levy to be allocated to each class,  
41 which percentages shall be the class allocation factors for such levy.  
42 Such percentages shall be determined at the discretion of such governing  
43 body, subject to the following limitations:

44 (i) The class one allocation factor for any levy shall not be less  
45 than seventy-five percent nor greater than one hundred percent of the  
46 class one current percentage.

47 (ii) The class two allocation factor for any levy shall not be less  
48 than seventy-five percent nor greater than one hundred percent of the  
49 class two current percentage.

50 (iii) The class three allocation factor for any levy shall not be less  
51 than one hundred percent nor greater than one hundred twenty-five  
52 percent of the class three current percentage.

53 (b) Each class allocation factor shall be stated as a percentage,  
54 expressed to five decimal places. The sum of the class allocation  
55 factors for any levy shall be exactly equal to one hundred percent.

1 4. Tax shares. Class tax shares shall be determined for each class by  
2 multiplying the total amount of the tax levy by the class allocation  
3 factor for the class.

4 5. Tax rates. Class tax rates shall be determined for each class by  
5 dividing each class tax share by the taxable assessed value of the class  
6 in the municipal corporation.

7 6. Where a municipal corporation has adopted classified tax rates  
8 pursuant to this section, and a taxpayer is granted a refund, pursuant  
9 to article five or article seven of this chapter, of some or all of the  
10 taxes paid to such municipal corporation, such refund shall be charged  
11 to the class of real property which includes the affected parcel.

12 § 1733. Classified tax rates in split tax districts. 1. Notice of  
13 intent. (a) The governing body of a split tax district which intends to  
14 establish classified tax rates shall file a notice of intent to estab-  
15 lish classified tax rates with each assessor of an assessing unit  
16 outside of a county which has adopted the provisions of this article who  
17 prepares an assessment roll used in whole or in part for the levy of  
18 taxes by such split tax district. The notice shall be filed with each  
19 such assessor on or before the taxable status date of the first assess-  
20 ment roll to which classified tax rates may apply. A copy of the notice  
21 of intent shall also be filed with the county director of real property  
22 tax services of each applicable county and the commissioner.

23 (b) The governing body of a split tax district which has filed a  
24 notice of intent pursuant to this subdivision and which does not intend  
25 to establish classified tax rates may cancel such notice of intent;  
26 provided that such cancellation shall not prohibit a subsequent filing  
27 of the notice of intent. A copy of such cancellation shall be filed with  
28 the appropriate assessors, county director of real property tax  
29 services, and the commissioner.

30 2. Classification of assessment rolls; assessor certification. (a)  
31 Upon receiving notice pursuant to subdivision one of this section, each  
32 assessor of an assessing unit outside of a county which has adopted the  
33 provisions of this article who prepares an assessment roll used in whole  
34 or in part for the levy of the taxes by such split tax district shall  
35 classify each property listed on such roll or on the part thereof appli-  
36 cable to such split tax district in the manner provided by section  
37 seventeen hundred thirty of this title. Such classification of individ-  
38 ual properties shall be subject to administrative and judicial review  
39 pursuant to title one-A of article five and title one of article seven  
40 of this chapter.

41 (b) Upon completion and filing of a final assessment roll classified  
42 pursuant to this subdivision, the assessor shall certify to the authori-  
43 ties of the split tax district the total assessed value and total taxa-  
44 ble assessed value of the real property subject to taxation for purposes  
45 of the school district in each class, as determined from such assessment  
46 roll or part thereof applicable to the split tax district.

47 (c) The classification and certification requirements of this subdivi-  
48 sion shall apply until the governing body of a split tax district either  
49 cancels the notice of intent to establish classified tax rates pursuant  
50 to subdivision one of this section or rescinds a resolution adopting the  
51 provisions of this section pursuant to subdivision five of this section.

52 3. Adoption. (a) The governing body of a split tax district which has  
53 filed a notice of intent pursuant to subdivision one of this section may  
54 adopt the provisions of this section by resolution, following a public  
55 hearing, at any time prior to the levy of the district's taxes. Prior  
56 notice of such hearing shall be published at least once in a newspaper

1 having general circulation in the split tax district and shall be  
2 provided to the governing body of each city and town which is located  
3 wholly or partially within the split tax district and outside the county  
4 which has adopted the provisions of this article.

5 (b) Adoption of such resolution shall require use of classified tax  
6 rates calculated pursuant to subdivision four of this section for all  
7 subsequent tax levies until such resolution is rescinded as provided in  
8 subdivision five of this section.

9 (c) A copy of such resolution shall be filed with the body, officer,  
10 or employee that computes the tax rates, the county director of real  
11 property tax services of each applicable county, and the commissioner.

12 4. Calculation of tax rates. (a) Equalization by class. The tax  
13 authorities shall determine for each class the total full valuation and  
14 total taxable full valuation of the real property subject to taxation  
15 for district purposes in each segment of the split tax district. The  
16 total full valuation of a class in a segment shall be computed by divid-  
17 ing the total assessed value of the property in the class in the segment  
18 by the applicable state equalization rate or special equalization rate.  
19 The total taxable full valuation of a class in a segment shall be  
20 computed by dividing the total taxable assessed value of the property in  
21 the class in the segment by the applicable state equalization rate or  
22 special equalization rate.

23 (b) Class current percentages. (i) The governing body shall establish  
24 by annual resolution class current percentages in the manner prescribed  
25 by this subdivision.

26 (ii) The aggregate taxable full valuation of the real property in each  
27 class in the tax district shall be determined by calculating the sum of  
28 the taxable full valuation of the real property in each class in the  
29 segments in the school district.

30 (iii) The aggregate taxable full valuation of all real property in the  
31 tax district shall be determined by calculating the sum of the taxable  
32 full valuation of all real property in each segment in the special  
33 district.

34 (iv) Each class current percentage shall be determined by dividing the  
35 aggregate taxable full valuation of the real property in the class in  
36 the special district by the aggregate taxable full valuation of all real  
37 property in the split tax district. The quotient shall be stated as a  
38 percentage expressed to five decimal places. The sum of the class  
39 current percentages for any fiscal year shall be exactly equal to one  
40 hundred percent.

41 (c) Class allocation factors. (i) The governing body shall determine  
42 the percentage of the total tax levy to be allocated to each class,  
43 which percentages shall be established by annual resolutions as the  
44 class allocation factors. Such percentages shall be determined at the  
45 discretion of such governing body, subject to the limitations set forth  
46 in this subdivision.

47 (1) The class one allocation factor shall not be less than seventy-  
48 five percent nor greater than one hundred percent of the class one  
49 current percentage.

50 (2) The class two allocation factor shall not be less than seventy-  
51 five percent nor greater than one hundred percent of the class two  
52 current percentage.

53 (3) The class three allocation factor shall not be less than one  
54 hundred percent nor greater than one hundred twenty-five percent of the  
55 class three current percentage.

1 (ii) Class allocation factors shall be stated as percentages expressed  
2 to five decimal places. The sum of the class allocation factors for any  
3 fiscal year shall be exactly equal to one hundred percent.

4 (iii) The governing body of the split tax district shall certify the  
5 class allocation factors to the body, officer, or employee that computes  
6 the split tax district's tax rates.

7 (d) Apportionment by class. The body, officer, or employee that  
8 computes the split tax district's tax rates shall allocate to the class-  
9 es in the split tax district as a whole, respectively, a share of the  
10 amount to be raised equal to the applicable aggregate class allocation  
11 factor. The amount to be raised from each such class in the split tax  
12 district as a whole shall then be apportioned separately among the  
13 segments in which the split tax district is located in proportion to the  
14 percentage that the total full valuation of the class in each such  
15 segment thereof bears to the aggregate total full valuation of the class  
16 in the split tax district as a whole. The amount so apportioned to each  
17 class in each segment shall be the amount to be raised from that class  
18 in that segment.

19 (e) Class tax rates. The body, officer, or employee that computes the  
20 split tax district's tax rates shall compute a separate tax rate for  
21 each class for each segment located in the split tax district. The tax  
22 rate for a class in a segment shall be computed by dividing the amount  
23 to be raised from the class in that segment by the total taxable  
24 assessed value of the real property in the class in that segment as  
25 entered on the final assessment roll used for the levy of the split tax  
26 district's taxes.

27 (f) Where a split tax district has adopted classified tax rates pursu-  
28 ant to this section, and a taxpayer is granted a refund, pursuant to  
29 article five or article seven of this chapter, of some or all of the  
30 taxes paid to such split tax district, such refund shall be charged to  
31 the class of real property which includes the affected parcel.

32 (g) Reporting. The governing body of the split tax district shall  
33 annually file with the state board a copy of the resolution or resol-  
34 utions establishing class current percentages and class allocation  
35 factors pursuant to this section. Such resolution or resolutions shall  
36 be filed no later than ten days after the adoption thereof.

37 5. Rescission. The governing body of the split tax district may  
38 rescind a resolution adopting the provisions of this section, without a  
39 public hearing, at any time prior to the levy of taxes for the fiscal  
40 year to which such resolution is applicable. A copy of such resolution  
41 shall be filed with the body, officer, or employee that computes the  
42 split tax district's tax rates, each assessor who prepares an assessment  
43 roll used in whole or in part for the levy of the split tax district's  
44 taxes, the county director of real property tax services of each appli-  
45 cable county, and the commissioner.

46 § 1734. Correction of erroneous allocations. Upon its own motion, or  
47 at the direction of the commissioner, a governing body which has made a  
48 mathematical error in allocating taxes for a tax levy for a fiscal year  
49 shall redetermine the amount of taxes that should have been allocated to  
50 each class for that levy. If such redetermination cannot be made prior  
51 to the extension of taxes for that fiscal year, the governing body shall  
52 cause the levy for the ensuing fiscal year to be adjusted to account for  
53 the improper apportionment which resulted from the error, upon notice to  
54 the state board.

- 1 Section 1740. Transitional exemption.
- 2 1741. State assistance.
- 3 1742. Expanded senior citizens' exemption.
- 4 1743. Rules and regulations.
- 5 1744. Special partial exemption.
- 6 1745. Judicial or other review.

7 § 1740. Transitional exemption. 1. The effective increase in assessed  
 8 value of any parcel occurring in the first year of the implementation of  
 9 this article shall be exempt from taxation for a period of four years,  
 10 according to the following schedule:

<u>Year of exemption</u>	<u>Percentage of exemption</u>
<u>1</u>	<u>80</u>
<u>2</u>	<u>60</u>
<u>3</u>	<u>40</u>
<u>4</u>	<u>20</u>

16 2. The assessor of each assessing unit shall determine, for each  
 17 parcel, the effective increase in assessed value occurring in the first  
 18 year of the implementation of this article as follows:

19 (a) The assessor shall determine the anticipated change in level of  
 20 assessment on the basis of the data used to prepare the notices required  
 21 by section five hundred eleven of this chapter.

22 (b) The total assessed value of each parcel in the year preceding the  
 23 first year of the implementation of this article shall be multiplied by  
 24 the anticipated change in level of assessment.

25 (c) If the total assessed value of any parcel in the first year of the  
 26 implementation of this article exceeds the result determined for the  
 27 parcel in paragraph (b) of this subdivision, after accounting for any  
 28 physical and quantity changes, the excess shall be considered the effec-  
 29 tive increase in assessed value of the parcel, and the parcel shall be  
 30 exempt from taxation to the extent provided in subdivision one of this  
 31 section.

32 (d) Upon the filing of the assessor's report, the state board shall  
 33 determine whether the actual change in level of assessment differs from  
 34 the anticipated change in level of assessment by more than five percent.  
 35 If the state board determines that such difference exceeds five percent,  
 36 it shall so notify the assessor. The assessor shall thereupon recompute  
 37 the effective increase in assessed value of each parcel using the actual  
 38 change in level of assessment determined by the commissioner, and shall  
 39 recompute the exemption to take into account the recalculated effective  
 40 increase in assessed value. Such recomputation shall be required  
 41 notwithstanding the fact that the assessor receives the certification  
 42 after the completion, verification, and filing of the final assessment  
 43 roll. If the assessor does not have custody of the roll when such  
 44 certification is received, the assessor shall certify the recomputed  
 45 exemption to the local officers having custody and control of the roll,  
 46 and such local officers are hereby directed and authorized to enter the  
 47 recomputed exemption certified by the assessor on the roll.

48 3. For purposes of subdivisions four and five of this section, the  
 49 term "adjusted taxable assessed value" shall mean the assessed value  
 50 actually subject to taxation for municipal purposes plus the amount of  
 51 assessed value partially exempt from taxation pursuant to this section.

52 4. When a municipal corporation, other than a split tax district, is  
 53 wholly contained within two or more assessing units to which this arti-  
 54 cle is applicable, the taxes of the municipal corporation shall be

1 apportioned between or among such assessing units as provided in this  
2 subdivision during the four year transition period during which the  
3 provisions of this section are in force, notwithstanding the provisions  
4 of section seventeen hundred twenty-four of this article.

5 (a) If the municipal corporation has not adopted classified tax rates  
6 pursuant to title three of this article, taxes shall be apportioned  
7 between or among the assessing units on the basis of the adjusted taxa-  
8 ble assessed value in each assessing unit.

9 (b) If the municipal corporation has adopted classified tax rates  
10 pursuant to title three of this article, taxes shall be allocated in the  
11 manner provided in section seventeen hundred thirty-two of this article,  
12 subject to the following:

13 (i) The current percentages for each class shall be determined on the  
14 basis of the adjusted taxable assessed value, rather than the taxable  
15 assessed value, of the class and of all real property in the municipal  
16 corporation.

17 (ii) The taxes that are to be apportioned to each class shall be  
18 further apportioned between or among the assessing units on the basis of  
19 the adjusted taxable assessed value of the class in each assessing unit.

20 5. The taxes of a split tax district shall be apportioned as provided  
21 in this subdivision during the four year transition period during which  
22 the provisions of this section are in force, notwithstanding the  
23 provisions of section seventeen hundred twenty-four of this article.

24 (a) If the split tax district has established classified tax rates  
25 pursuant to section seventeen hundred thirty-three of this article,  
26 taxes shall be allocated in the manner provided in subdivision four of  
27 such section, except that the total taxable full valuation of a class in  
28 a segment shall be determined by dividing the adjusted taxable assessed  
29 value, rather than the total taxable assessed value, of each class of  
30 the class in the segment by applicable state equalization rate or  
31 special equalization rate.

32 (b) If the split tax district has not established classified tax rates  
33 pursuant to section seventeen hundred thirty-four of this article, taxes  
34 shall be allocated as follows:

35 (i) The assessing units in the county to which this article applies  
36 shall be treated collectively as if they were a single unit, and taxes  
37 shall be apportioned between or among that single unit and all other  
38 assessing units in the manner otherwise provided by law, except that the  
39 adjusted taxable assessed value shall be used to apportion taxes to the  
40 assessing units in the county to which this article applies.

41 (ii) Within the county to which this article applies, taxes shall be  
42 apportioned between or among the assessing units on the basis of the  
43 adjusted taxable assessed value in each assessing unit.

44 § 1741. State assistance. State assistance shall be payable in a one-  
45 time payment of up to ten dollars per parcel to a county which imple-  
46 ments the provisions of this article. Upon completion of the first  
47 assessment roll produced pursuant to this article, the county may apply  
48 to the state board for such state assistance. No county which has imple-  
49 mented the provisions of this article or any assessing unit located  
50 within such a county may qualify for additional state aid pursuant to  
51 subdivision three of section fifteen hundred seventy-three of this chap-  
52 ter.

53 § 1742. Expanded senior citizens' exemption. 1. A municipal corpo-  
54 ration which is wholly or partly contained in a county which has adopted  
55 the provisions of this article may increase the maximum income eligibil-  
56 ity level for purposes of the senior citizens' exemption authorized by

1 section four hundred sixty-seven of this chapter in the manner  
2 prescribed by this section.

3 2. If the per capita income in such county, as reported in the latest  
4 federal decennial census, exceeds the median per capita income of the  
5 state as a whole, as reported in such census, the maximum income eligi-  
6 bility level established by subdivision three of such section four  
7 hundred sixty-seven (referred to in such statute as "M") may be  
8 increased proportionately, as follows:

9 (a) Divide the per capita income in such county by the median per  
10 capita income of the state as a whole;

11 (b) Multiply "M" by the quotient; and

12 (c) Round the result to the nearest multiple of five hundred dollars.  
13 The result shall be deemed to be the "M" applicable in such county.

14 3. If the median per capita income in such county, as reported in the  
15 latest federal decennial census, does not exceed the median per capita  
16 income of the state as a whole, as reported in such census, the maximum  
17 income eligibility level established by subdivision three of such  
18 section four hundred sixty-seven may not be increased pursuant to this  
19 section.

20 § 1743. Rules and regulations. The commissioner shall prescribe such  
21 rules and regulations as may be necessary to implement the provisions of  
22 this article.

23 § 1744. Special partial exemption. A municipal corporation which is  
24 wholly or partly contained in a county which has adopted the provisions  
25 of this article pursuant to section seventeen hundred eleven of this  
26 article shall allow an exemption on class one, two and three property,  
27 as defined by section seventeen hundred thirty of this article. Such  
28 exemption shall be thirty percent of the property's assessed value, up  
29 to thirty-five thousand dollars.

30 § 1745. Judicial or other review. Notwithstanding any inconsistent  
31 provision of law, the assessment of a parcel of property classified  
32 subject to the provisions of this article may be reviewed a maximum of  
33 two times collectively in accordance with the provisions of title one or  
34 one-A of article seven of this chapter within the five year cycle.

35 § 2. This act shall take effect immediately.