

# STATE OF NEW YORK

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1408

2017-2018 Regular Sessions

## IN SENATE

January 9, 2017

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Introduced by Sens. AVELLA, KLEIN, STAVISKY -- 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, the administrative code of the city of New York and the real property law, in relation to classifying properties held in condominium and cooperative form for assessment purposes as class one-a properties; and to repeal certain provisions of the real property tax law relating thereto

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

1 Section 1. Subdivision 1 of section 1802 of the real property tax law,  
2 as separately amended by chapters 123 and 529 of the laws of 1990, para-  
3 graph class one as amended by chapter 332 of the laws of 2008, is  
4 amended to read as follows:

5 1. All real property, for the purposes of this article, in a special  
6 assessing unit shall be classified as follows:

7 Class one: (a) all one, two and three family residential real proper-  
8 ty, including such dwellings used in part for nonresidential  
9 purposes but which are used primarily for residential purposes,  
10 except such property held in cooperative or condominium forms of  
11 ownership other than (i) property defined in subparagraphs (b)  
12 and (c) of this paragraph and (ii) property which contains no  
13 more than three dwelling units held in condominium form of  
14 ownership and which was classified within this class on a previ-  
15 ous assessment roll; and provided that, notwithstanding the  
16 provisions of paragraph (g) of subdivision twelve of section one  
17 hundred two of this chapter, a mobile home or a trailer shall  
18 not be classified within this class unless it is owner-occupied  
19 and separately assessed; and (b) residential real property not  
20 more than three stories in height held in condominium form of  
21 ownership, provided that no dwelling unit therein previously was

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

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on an assessment roll as a dwelling unit in other than condominium form of ownership; and (c) residential real property consisting of one family house structures owned by the occupant, situated on land held in cooperative ownership by owner occupiers, provided that; (i) such house structures and land constituted bungalow colonies in existence prior to nineteen hundred forty; and (ii) the land is held in cooperative ownership for the sole purpose of maintaining one family residences for members own use; and (d) all vacant land located within a special assessing unit which is a city (i) other than such land in the borough of Manhattan, provided that any such vacant land which is not zoned residential must be situated immediately adjacent to property improved with a residential structure as defined in subparagraphs (a) and (b) of this paragraph, be owned by the same owner as such immediately adjacent residential property immediately prior to and since January 1, 1989, and have a total area not exceeding 10,000 square feet; and (ii) located in the borough of Manhattan north of or adjacent to the north side of 110th street provided such vacant land was classified within this class on the assessment roll with a taxable status date of January 5, 2008 and the owner of such land has entered into a recorded agreement with a governmental entity on or before December 31, 2008 requiring construction of housing affordable to persons or families of low income in accordance with the provisions of the private housing finance law. Notwithstanding the foregoing, such vacant land shall be classified according to its use on the assessment roll with a taxable status date immediately following commencement of construction, provided further, that construction pursuant to an approved plan for affordable housing shall commence no later than December 31, 2010; and (e) all vacant land located within a special assessing unit which is not a city, provided that such vacant land which is not zoned residential must be situated immediately adjacent to real property defined in subparagraph (a), (b) or (c) of this paragraph and be owned by the same person or persons who own the real property defined in such subparagraph immediately prior to and since January 1, 2003;

Class one-a: all other residential real property held in condominium or cooperative form of ownership which is not designated as class one; the department of finance of any city enacting a local law pursuant to this section shall reclassify class one-a properties used primarily to generate rental income to class two. The department of finance of any city enacting a local law pursuant to this section shall have, in addition to any other functions, powers and duties which have been or may be conferred on it by law, the power to make and promulgate rules to carry out the purposes of this section including, but not limited to, rules defining the class one-a properties primarily used to generate rental income, and relating to the timing, form and manner of any certification required to be submitted under this section. If a property previously reclassified from class one-a to class two ceases to be used primarily to generate rental income, the department shall reclassify such property to class one-a. The department shall use a five-year period when determining whether a property is used primarily to generate rental income;

Class two: all other residential real property which is not designated as class one or class one-a, except hotels and motels and other similar commercial property;

Class three: utility real property and property subject to former section four hundred seventy of this chapter;

Class four: all other real property which is not designated as class one, class one-a, class two, or class three.

§ 1-a. The real property tax law is amended by adding a new section 1803-c to read as follows:

§ 1803-c. Calculation of shares. 1. For the calendar year two thousand eighteen, notwithstanding the provisions of sections eighteen hundred three, eighteen hundred three-a, and eighteen hundred three-b of this article to the contrary, the New York city commissioner of finance shall establish a new class one-a pursuant to subdivision one of section eighteen hundred two of this article and shall calculate shares for class one, class one-a, class two, class three and class four where the base year used in the calculation of the current base proportion shall be the 2017 assessment roll and the sum of class one-a and class two shall not exceed the prior year adjusted base proportion for such classes.

2. After two thousand nineteen, assessment rolls prepared according to January 1, 2019, the adjusted base proportions for class one and class one-a, shall not exceed each class' prior adjusted base proportion by more than five percent.

3. In a city having a population of one million or more, such city's tax fixing resolution shall set a tax rate for class one-a in the same manner as all class shares are calculated pursuant to sections eighteen hundred three, eighteen hundred three-a and eighteen hundred three-b of this article.

4. The assessment ratio for class one-a shall be six percent.

§ 2. Subdivision 1, paragraph (c) of subdivision 2 and subdivision 4 of section 307-a of the real property tax law, as added by section 1 of part G of chapter 63 of the laws of 2003, are amended to read as follows:

1. Generally. Notwithstanding any provision of any general, special or local law to the contrary, any city with a population of one million or more is hereby authorized and empowered to adopt and amend local laws in accordance with this section imposing an additional tax on certain class one and class one-a properties, as such properties are defined in section eighteen hundred two of this chapter, excluding vacant land.

(c) "Net real property tax" means the real property tax assessed on a class one or class one-a property after deduction for any exemption or abatement received pursuant to this chapter.

4. Property subject to additional tax. Such surcharge shall be imposed on class one and class one-a property, excluding vacant land, that provides rental income and is not the primary residence of the owner or owners of such class one or class one-a property, or the primary residence of the parent or child of such owner or owners.

§ 3. Paragraph (f) of subdivision 1 of section 467-a of the real property tax law, as added by chapter 273 of the laws of 1996, is amended and a new paragraph (i) is added to read as follows:

(f) "Property" means real property designated as class [~~two~~] one-a, pursuant to section eighteen hundred two of this chapter, held in the cooperative or condominium form of ownership.

(i) "Market value" shall be calculated by the New York city department of finance based upon comparable sales.

§ 4. Paragraphs (d-1), (d-2), (d-3) and (d-4) of subdivision 2 of section 467-a of the real property tax law, as amended by section 62 of part A of chapter 20 of the laws of 2015, are amended and seven new paragraphs (d-7), (d-8), (d-9), (d-10), (d-11), (d-12) and (d-13) are added to read as follows:

(d-1) In the fiscal years commencing in calendar years two thousand twelve, two thousand thirteen and two thousand fourteen, eligible dwelling units in property whose average unit assessed value is less than or equal to fifty thousand dollars shall receive a partial abatement of the real property taxes attributable to or due on such dwelling units of twenty-five percent, twenty-six and one-half percent and twenty-eight and one-tenth percent respectively. In the fiscal years commencing in calendar years two thousand fifteen~~[, and two thousand sixteen[, two thousand seventeen and two thousand eighteen]~~ eligible dwelling units in property whose average unit assessed value is less than or equal to fifty thousand dollars shall receive a partial abatement of the real property taxes attributable to or due on such dwelling units of twenty-eight and one-tenth percent.

(d-2) In the fiscal years commencing in calendar years two thousand twelve, two thousand thirteen and two thousand fourteen, eligible dwelling units in property whose average unit assessed value is more than fifty thousand dollars, but less than or equal to fifty-five thousand dollars, shall receive a partial abatement of the real property taxes attributable to or due on such dwelling units of twenty-two and one-half percent, twenty-three and eight-tenths percent and twenty-five and two-tenths percent respectively. In the fiscal years commencing in calendar years two thousand fifteen~~[, and two thousand sixteen[, two thousand seventeen and two thousand eighteen]~~ eligible dwelling units in property whose average unit assessed value is more than fifty thousand dollars, but less than or equal to fifty-five thousand dollars, shall receive a partial abatement of the real property taxes attributable to or due on such dwelling units of twenty-five and two-tenths percent.

(d-3) In the fiscal years commencing in calendar years two thousand twelve, two thousand thirteen and two thousand fourteen, eligible dwelling units in property whose average unit assessed value is more than fifty-five thousand dollars, but less than or equal to sixty thousand dollars, shall receive a partial abatement of the real property taxes attributable to or due on such dwelling units of twenty percent, twenty-one and two-tenths percent, and twenty-two and five-tenths percent respectively. In the fiscal years commencing in calendar years two thousand fifteen~~[, and two thousand sixteen[, two thousand seventeen and two thousand eighteen]~~ eligible dwelling units in property whose average unit assessed value is more than fifty-five thousand dollars, but less than or equal to sixty thousand dollars, shall receive a partial abatement of the real property taxes attributable to or due on such dwelling units of twenty-two and five-tenths percent.

(d-4) In the fiscal years commencing in calendar years two thousand twelve, two thousand thirteen, two thousand fourteen, two thousand fifteen~~[, and two thousand sixteen[, two thousand seventeen and two thousand eighteen]~~ eligible dwelling units in property whose average unit assessed value is more than sixty thousand dollars shall receive a partial abatement of the real property taxes attributable to or due on such dwelling units of seventeen and one-half percent.

(d-7) Eligible dwelling units in property whose average unit market value is less than or equal to six hundred fifty thousand dollars shall receive a partial abatement of real property taxes attributable to or

1 due on such dwelling units, not to exceed thirty-three percent in the  
2 fiscal year commencing in calendar year two thousand eighteen and there-  
3 after.

4 (d-8) Eligible dwelling units in property whose average unit market  
5 value is between six hundred fifty thousand one dollars to seven hundred  
6 fifty thousand dollars shall receive a partial abatement of the real  
7 property taxes attributable to or due on such dwelling units, not to  
8 exceed twenty-two and five-tenths percent in the fiscal year commencing  
9 in calendar year two thousand eighteen and thereafter.

10 (d-9) Eligible dwelling units in property whose average unit market  
11 value is between seven hundred fifty thousand one and one million five  
12 hundred thousand dollars shall receive a partial abatement of the real  
13 property taxes attributable to or due on such dwelling units, not to  
14 exceed seventeen and five-tenths percent in the fiscal year commencing  
15 in calendar year two thousand eighteen and thereafter.

16 (d-10) Eligible dwelling units in property whose average unit market  
17 value is between one million five hundred thousand one dollars and two  
18 million six hundred sixty-six thousand six hundred sixty-seven dollars  
19 shall receive a partial abatement of the real property taxes attribut-  
20 able to or due on such dwelling units, not to exceed thirteen and thir-  
21 teen-hundredths percent in the fiscal year commencing in calendar year  
22 two thousand eighteen and thereafter.

23 (d-11) Eligible dwelling units in property whose average unit market  
24 value is between two million six hundred sixty-six thousand six hundred  
25 sixty-eight dollars and three million eight hundred thirty-three thou-  
26 sand three hundred thirty-three dollars shall receive a partial abate-  
27 ment of the real property taxes attributable to or due on such dwelling  
28 units, not to exceed eight and seventy-five hundredth percent in the  
29 fiscal year commencing in calendar year two thousand eighteen and there-  
30 after.

31 (d-12) Eligible dwelling units in property whose average unit market  
32 value is between three million eight hundred thirty-three thousand three  
33 hundred thirty-four dollars and five million dollars shall receive a  
34 partial abatement of the real property taxes attributable to or due on  
35 such dwelling units, not to exceed four and thirty-eight hundredths  
36 percent in the fiscal year commencing in calendar year two thousand  
37 eighteen and thereafter.

38 (d-13) Eligible dwelling units in property whose average unit market  
39 value is five million dollars or more shall receive a partial abatement  
40 of the real property taxes attributable to or due on such dwelling  
41 units, not to exceed zero percent in the fiscal year commencing in  
42 calendar year two thousand eighteen and thereafter.

43 § 4-a. The real property tax law is amended by adding a new section  
44 467-a-1 to read as follows:

45 § 467-a-1. Enhanced partial abatement for certain condominiums and  
46 cooperative residences. 1. In addition to the partial abatement received  
47 pursuant to section four hundred sixty-seven-a of this article, in the  
48 fiscal year commencing in calendar year two thousand eighteen, eligible  
49 units in property whose average unit market value is less than six  
50 hundred fifty thousand dollars shall receive an enhanced abatement equal  
51 to the excess above two percent of the difference between the prior  
52 year's property tax and the current year's property tax.

53 2. In addition to the partial abatement received pursuant to section  
54 four hundred sixty-seven-a of this article, in the fiscal year commenc-  
55 ing in calendar year two thousand nineteen, eligible units in property  
56 whose average unit market value is less than six hundred fifty thousand

dollars shall receive an enhanced abatement equal to the excess above four percent of the difference between the prior year's property tax and the current year's property tax.

3. In addition to the partial abatement received pursuant to section four hundred sixty-seven-a of this article, in the fiscal year commencing in calendar year two thousand twenty and thereafter, eligible units in property whose average unit market value is less than six hundred fifty thousand dollars shall receive an enhanced abatement equal to the excess above six percent of the difference between the prior year's property tax and the current year's property tax. The enhanced condominium and cooperative abatement shall not be eligible for units where the commissioner determines that renovation or construction within the unit or building has produced a substantial yearly increase in the unit's assessed value.

§ 5. Subdivision 7 of section 499-aaa of the real property tax law, as added by chapter 461 of the laws of 2008, is amended to read as follows:

7. "Eligible building" shall mean a class one, class one-a, class two or class four real property, as defined in subdivision one of section eighteen hundred two of this chapter, located within a city having a population of one million or more persons. No building shall be eligible for more than one tax abatement pursuant to this title.

§ 6. Subdivision 7 of section 499-aaaa of the real property tax law, as added by chapter 473 of the laws of 2008, is amended to read as follows:

7. "Eligible building" shall mean a class one, class one-a, class two or class four real property, as defined in subdivision one of section eighteen hundred two of this chapter, located within a city having a population of one million or more persons. No building shall be eligible for more than one tax abatement pursuant to this title.

§ 7. Paragraph (b) of subdivision 3 of section 522 of the real property tax law, as added by chapter 714 of the laws of 1982, is amended to read as follows:

(b) in a special assessing unit, the determination, pursuant to section eighteen hundred two of this chapter, of whether real property is included in class one, one-a, two, three or four.

§ 8. Subdivision 10 of section 523-b of the real property tax law, as added by chapter 593 of the laws of 1998, is amended to read as follows:

10. On or before April first, each year the commission shall mail to each applicant, who has filed an application for the correction of the assessment, a notice of the commission's determination of such applicant's assessment. Such notice shall also contain the statement as to the final determination of the assessment review commission, or a statement that the commission has not yet made a determination as to the final assessed valuation which shall be made as soon as the petitioners application is reviewed or heard. If the applicants property is a property defined in subdivision one of section eighteen hundred two of this chapter as "Class 1", the commissions determination shall contain the statement: "If you are dissatisfied with the determination of the Assessment Review Commission and you are the owner of a one, two or three family residential structure or residential real property not more than three stories in height held in condominium form of ownership, provided that no dwelling unit therein previously was on an assessment roll as a dwelling unit in other than condominium form of ownership, and you reside at such residence, you may seek judicial review of your assessment either under title one of article seven of the real property tax law or under small claims assessment review law provided by title

one-A of article seven of the real property tax law." Such notice shall also state that the last date to file petitions for judicial review and the location where small claims assessment review petitions may be obtained.

Each applicant that has filed an application of a property as defined in subdivision one of section eighteen hundred two of this chapter as "Class 1-a", "Class 2", "Class 3" or "Class 4", shall receive a notice as to the final determination of the assessment review commission or a statement that the commission has not yet made a determination as to the final assessed valuation which shall be made as soon as the petitioners application is reviewed or heard. Such applicants determinations shall contain the statement: "If you are dissatisfied with the determination of the Assessment Review Commission you may seek judicial review of your assessment under title one of article seven of the real property tax law." Such notice shall also state the last date to file petitions for judicial review. A final determination when rendered shall contain the same statement. Failure to mail any such notice or failure of the applicant to receive the same shall not affect the validity of the assessment.

§ 9. Paragraph (b) of subdivision 3 of section 701 of the real property tax law, as added by chapter 714 of the laws of 1982, is amended to read as follows:

(b) In a special assessing unit, the determination, pursuant to section eighteen hundred two of this chapter, of whether real property is included in class one, one-a, two, three or four.

§ 10. Subparagraph 2 of paragraph (a) of subdivision 3 of section 720 of the real property tax law, as amended by chapter 679 of the laws of 1986, is amended to read as follows:

(2) "Major type of property" in special assessing units, for assessments on rolls completed after December thirty-first, nineteen hundred eighty-one, shall mean classes one, one-a, two, three and four as defined in subdivision one of section eighteen hundred two of this chapter.

§ 11. The opening paragraph of subdivision 1 of section 1805 of the real property tax law, as amended by chapter 935 of the laws of 1984, is amended and two new subdivisions 1-a and 1-b are added to read as follows:

The assessor of any special assessing unit shall not increase the assessment of any individual parcel classified in class one or class one-a in any one year, as measured from the assessment on the previous year's assessment roll, by more than six percent and shall not increase such assessment by more than twenty percent in any five-year period. The first such five-year period shall be measured from the individual assessment appearing on the assessment roll completed in nineteen hundred eighty; provided that if such parcel would not have been subject to the provisions of this subdivision in nineteen hundred eighty had this subdivision then been in effect, the first such five-year period shall be measured from the first year after nineteen hundred eighty in which this subdivision applied to such parcel or would have applied to such parcel had this subdivision been in effect in such year.

If, in respect to any individual parcel classified in class one on the assessment roll completed and applicable for the year nineteen hundred eighty-two, the assessment for the year nineteen hundred eighty-one exceeds by more than twenty percent the assessment for the year nineteen hundred eighty, such assessor shall compute the actual assessments to be

1 entered on assessment rolls applicable to the years nineteen hundred  
2 eighty-two through nineteen hundred ninety as follows:

3 1-a. Assessment rolls computed for class one-a shall include any  
4 outstanding phased-in increases accrued prior to the effective date of  
5 the chapter of the laws of two thousand seventeen which added this  
6 subdivision pursuant to subdivision three of this section.

7 1-b. Class one-a parcels shall be assessed in a method comparable to  
8 class one parcels.

9 § 12. Subdivisions e and f of section 11-208.1 of the administrative  
10 code of the city of New York, subdivision e as amended by local law  
11 number 41 of the city of New York for the year 1986 and subdivision f as  
12 amended by chapter 385 of the laws of 2006, are amended to read as  
13 follows:

14 e. As used in this section, the term "income-producing property" means  
15 property owned for the purpose of securing an income from the property  
16 itself, but shall not include property with an assessed value of forty  
17 thousand dollars or less, or residential property containing ten or  
18 fewer dwelling units or property classified in class one, one-a or two  
19 as defined in article eighteen of the real property tax law containing  
20 six or fewer dwelling units and one retail store.

21 f. Except in accordance with proper judicial order or as otherwise  
22 provided by law, it shall be unlawful for the commissioner, any officer  
23 or employee of the department, the president or a commissioner or  
24 employee of the tax commission, any person engaged or retained by the  
25 department or the tax commission on an independent contract basis, or  
26 any person, who, pursuant to this section, is permitted to inspect any  
27 income and expense statement or to whom a copy, an abstract or a portion  
28 of any such statement is furnished, to divulge or make known in any  
29 manner except as provided in this subdivision, the amount of income  
30 and/or expense or any particulars set forth or disclosed in any such  
31 statement required under this section. The commissioner, the president  
32 of the tax commission, or any commissioner or officer or employee of the  
33 department or the tax commission charged with the custody of such state-  
34 ments shall not be required to produce any income and expense statement  
35 or evidence of anything contained in them in any action or proceeding in  
36 any court, except on behalf of the department or the tax commission.  
37 Nothing herein shall be construed to prohibit the delivery to an owner  
38 or his or her duly authorized representative of a certified copy of any  
39 statement filed by such owner pursuant to this section or to prohibit  
40 the publication of statistics so classified as to prevent the identifi-  
41 cation of particular statements and the items thereof, or making known  
42 aggregate income and expense information disclosed with respect to prop-  
43 erty classified as class four as defined in article eighteen of the real  
44 property tax law without identifying information about individual leas-  
45 es, or making known a range as determined by the commissioner within  
46 which the income and expenses of a property classified as class one-a or  
47 class two falls, or the inspection by the legal representatives of the  
48 department or of the tax commission of the statement of any owner who  
49 shall bring an action to correct the assessment. Any violation of the  
50 provisions of this subdivision shall be punished by a fine not exceeding  
51 one thousand dollars or by imprisonment not exceeding one year, or both,  
52 at the discretion of the court, and if the offender be an officer or  
53 employee of the department or the tax commission, the offender shall be  
54 dismissed from office.

§ 13. Subdivision a of section 11-238 of the administrative code of the city of New York, as amended by local law number 27 of the city of New York for the year 2006, is amended to read as follows:

a. Imposition of surcharge. A real property tax surcharge is hereby imposed on class one and class one-a property, as defined in section eighteen hundred two of the real property tax law, excluding vacant land, that provides rental income and is not the primary residence of the owner or owners of such class one or class one-a property, or the primary residence of the parent or child of such owner or owners, in an amount equal to zero percent of the net real property taxes for fiscal years beginning on or after July first, two thousand six. As used in this section, "net real property tax" means the real property tax assessed on class one property after deduction for any exemption or abatement received pursuant to the real property tax law or this title.

§ 14. Subdivisions a, a-1, a-2, a-3, a-4 and a-5 of section 11-319 of the administrative code of the city of New York, subdivisions a, a-1, a-2 and a-3 as amended and subdivisions a-4 and a-5 as added by local law number 15 of the city of New York for the year 2011, are amended to read as follows:

a. A tax lien or tax liens on a property or any component of the amount thereof may be sold by the city as authorized by subdivision b of this section, when such tax lien or tax liens shall have remained unpaid in whole or in part for one year, provided, however, that a tax lien or tax liens on any class one property or on class ~~[two]~~ one-a property ~~[that is a residential condominium or residential cooperative]~~, as such classes of property are defined in subdivision one of section eighteen hundred two of the real property tax law, may be sold by the city only when the real property tax component of such tax lien or tax liens shall have remained unpaid in whole or in part for three years or, in the case of any class two residential property owned by a company organized pursuant to article XI of the state private housing finance law ~~[that is not a residential condominium or a residential cooperative]~~, as such class of property is defined in subdivision one of section eighteen hundred two of the real property tax law, for two years, and equals or exceeds the sum of five thousand dollars or, in the case of abandoned class one property or abandoned class ~~[two]~~ one-a property ~~[that is a residential condominium or residential cooperative]~~, for eighteen months, and after such sale, shall be transferred, in the manner provided by this chapter, and provided, further, however, that (i) the real property tax component of such tax lien may not be sold pursuant to this subdivision on any residential real property in class one that is receiving an exemption pursuant to section 11-245.3 or 11-245.4 of this title, or pursuant to section four hundred fifty-eight of the real property tax law with respect to real property purchased with payments received as prisoner of war compensation from the United States government, or pursuant to paragraph (b) or (c) of subdivision two of section four hundred fifty-eight-a of the real property tax law, or where the owner of such residential real property in class one is receiving benefits in accordance with department of finance memorandum 05-3, or any successor memorandum thereto, relating to active duty military personnel, or where the owner of such residential real property in class one has been allowed a credit pursuant to subsection (e) of section six hundred six of the tax law for the calendar year in which the date of the first publication, pursuant to subdivision a of section 11-320 of this chapter, of the notice of sale, occurs or for the calendar year immediately preceding such date and (ii) the sewer rents component,

1 sewer surcharges component or water rents component of such tax lien may  
2 not be sold pursuant to this subdivision on any one family residential  
3 real property in class one or on any two or three family residential  
4 real property in class one that is receiving an exemption pursuant to  
5 section 11-245.3 or 11-245.4 of this title, or pursuant to section four  
6 hundred fifty-eight of the real property tax law with respect to real  
7 property purchased with payments received as prisoner of war compen-  
8 sation from the United States government, or pursuant to paragraph (b)  
9 or (c) of subdivision two of section four hundred fifty-eight-a of the  
10 real property tax law, or where the owner of any two or three family  
11 residential real property in class one is receiving benefits in accord-  
12 ance with department of finance memorandum 05-3, or any successor memo-  
13 randum thereto, relating to active duty military personnel, or where the  
14 owner of any two or three family residential real property in class one  
15 has been allowed a credit pursuant to subsection (e) of section six  
16 hundred six of the tax law for the calendar year in which the date of  
17 the first publication, pursuant to subdivision a of section 11-320 of  
18 this chapter, of the notice of sale, occurs or for the calendar year  
19 immediately preceding such date. A tax lien or tax liens on any property  
20 classified as a class two property, except [~~a class two property that is~~  
21 ~~a residential condominium or residential cooperative, or~~] a class two  
22 residential property owned by a company organized pursuant to article XI  
23 of the state private housing finance law [~~that is not a residential~~  
24 ~~condominium or a residential cooperative~~], or class three property, as  
25 such classes of property are defined in subdivision one of section eigh-  
26 teen hundred two of the real property tax law, shall not be sold by the  
27 city unless such tax lien or tax liens include a real property tax  
28 component as of the date of the first publication, pursuant to subdivi-  
29 sion a of section 11-320 of this chapter, of the notice of sale.  
30 Notwithstanding any provision of this subdivision to the contrary, any  
31 such tax lien or tax liens that remain unpaid in whole or in part after  
32 such date may be sold regardless of whether such tax lien or tax liens  
33 include a real property tax component. A tax lien or tax liens on a  
34 property classified as a class four property, as such class of property  
35 is defined in subdivision one of section eighteen hundred two of the  
36 real property tax law, shall not be sold by the city unless such tax  
37 lien or tax liens include a real property tax component or sewer rents  
38 component or sewer surcharges component or water rents component or  
39 emergency repair charges component, where such emergency repair charges  
40 accrued on or after January first, two thousand six and are made a lien  
41 pursuant to section 27-2144 of this code, as of the date of the first  
42 publication, pursuant to subdivision a of section 11-320 of this chap-  
43 ter, of the notice of sale, provided, however, that any tax lien or tax  
44 liens that remain unpaid in whole or in part after such date may be sold  
45 regardless of whether such tax lien or tax liens include a real property  
46 tax component, sewer rents component, sewer surcharges component, water  
47 rents component or emergency repair charges component. For purposes of  
48 this subdivision, the words "real property tax" shall not include an  
49 assessment or charge upon property imposed pursuant to section 25-411 of  
50 the administrative code. A sale of a tax lien or tax liens shall  
51 include, in addition to such lien or liens that have remained unpaid in  
52 whole or in part for one year, or, in the case of any class one property  
53 or class [~~two~~] one-a property [~~that is a residential condominium or~~  
54 ~~residential cooperative~~], when the real property tax component of such  
55 lien or liens has remained unpaid in whole or in part for three years,  
56 or, in the case of any class two residential property owned by a company

1 organized pursuant to article XI of the state private housing finance  
2 law [~~that is not a residential condominium or a residential cooper-~~  
3 ~~ative~~], when the real property tax component of such lien or liens has  
4 remained unpaid in whole or in part for two years, and equals or exceeds  
5 the sum of five thousand dollars, any taxes, assessments, sewer rents,  
6 sewer surcharges, water rents, any other charges that are made a lien  
7 subject to the provisions of this chapter, the costs of any advertise-  
8 ments and notices given pursuant to this chapter, any other charges that  
9 are due and payable, a surcharge pursuant to section 11-332 of this  
10 chapter, and interest and penalties thereon or such component of the  
11 amount thereof as shall be determined by the commissioner of finance.  
12 The commissioner of finance may promulgate rules defining "abandoned"  
13 property, as such term is used in this subdivision.

14 a-1. A subsequent tax lien or tax liens on a property or any component  
15 of the amount thereof may be sold by the city pursuant to this chapter,  
16 provided, however, that notwithstanding any provision in this chapter to  
17 the contrary, such tax lien or tax liens may be sold regardless of  
18 whether such tax lien or tax liens have remained unpaid in whole or in  
19 part for one year and, notwithstanding any provision in this chapter to  
20 the contrary, in the case of any class one property or class [~~two~~] one-a  
21 property [~~that is a residential condominium or residential cooperative~~]  
22 or, beginning January first, two thousand twelve, in the case of any  
23 class two residential property owned by a company organized pursuant to  
24 article XI of the state private housing finance law [~~that is not a resi-~~  
25 ~~dential condominium or a residential cooperative~~], such tax lien or tax  
26 liens may be sold if the real property tax component of such tax lien or  
27 tax liens has remained unpaid in whole or in part for one year, and  
28 provided, further, however, that (i) the real property tax component of  
29 such tax lien may not be sold pursuant to this subdivision on any resi-  
30 dential real property in class one that is receiving an exemption pursu-  
31 ant to section 11-245.3 or 11-245.4 of this title, or pursuant to  
32 section four hundred fifty-eight of the real property tax law with  
33 respect to real property purchased with payments received as prisoner of  
34 war compensation from the United States government, or pursuant to para-  
35 graph (b) or (c) of subdivision two of section four hundred  
36 fifty-eight-a of the real property tax law, or where the owner of such  
37 residential real property in class one is receiving benefits in accord-  
38 ance with department of finance memorandum 05-3, or any successor memo-  
39 randum thereto, relating to active duty military personnel, or where the  
40 owner of such residential real property in class one has been allowed a  
41 credit pursuant to subsection (e) of section six hundred six of the tax  
42 law for the calendar year in which the date of the first publication,  
43 pursuant to subdivision a of section 11-320 of this chapter, of the  
44 notice of sale, occurs or for the calendar year immediately preceding  
45 such date and (ii) the sewer rents component, sewer surcharges component  
46 or water rents component of such tax lien may not be sold pursuant to  
47 this subdivision on any one family residential real property in class  
48 one or on any two or three family residential real property in class one  
49 that is receiving an exemption pursuant to section 11-245.3 or 11-245.4  
50 of this title, or pursuant to section four hundred fifty-eight of the  
51 real property tax law with respect to real property purchased with  
52 payments received as prisoner of war compensation from the United States  
53 government, or pursuant to paragraph (b) or (c) of subdivision two of  
54 section four hundred fifty-eight-a of the real property tax law, or  
55 where the owner of any two or three family residential real property in  
56 class one is receiving benefits in accordance with department of finance

1 memorandum 05-3, or any successor memorandum thereto, relating to active  
2 duty military personnel, or where the owner of any two or three family  
3 residential real property in class one has been allowed a credit pursu-  
4 ant to subsection (e) of section six hundred six of the tax law for the  
5 calendar year in which the date of the first publication, pursuant to  
6 subdivision a of section 11-320 of this chapter, of the notice of sale,  
7 occurs or for the calendar year immediately preceding such date. For  
8 purposes of this subdivision, the term "subsequent tax lien or tax  
9 liens" shall mean any tax lien or tax liens on property that become such  
10 on or after the date of sale of any tax lien or tax liens on such prop-  
11 erty that have been sold pursuant to this chapter, provided that the  
12 prior tax lien or tax liens remain unpaid as of the date of the first  
13 publication, pursuant to subdivision a of section 11-320 of this chap-  
14 ter, of the notice of sale of the subsequent tax lien or tax liens. A  
15 subsequent tax lien or tax liens on any property classified as a class  
16 two property, except [~~a class two property that is a residential condo-~~  
17 ~~minium or residential cooperative, or~~] a class two residential property  
18 owned by a company organized pursuant to article XI of the state private  
19 housing finance law [~~that is not a residential condominium or a residen-~~  
20 ~~tial cooperative~~], or class three property, as such classes of property  
21 are defined in subdivision one of section eighteen hundred two of the  
22 real property tax law, shall not be sold by the city unless such tax  
23 lien or tax liens include a real property tax component as of the date  
24 of the first publication, pursuant to subdivision a of section 11-320 of  
25 this chapter, of the notice of sale. Notwithstanding any provision of  
26 this subdivision to the contrary, any such tax lien or tax liens that  
27 remain unpaid in whole or in part after such date may be sold regardless  
28 of whether such tax lien or tax liens include a real property tax compo-  
29 nent. A subsequent tax lien or tax liens on a property classified as a  
30 class four property, as such class of property is defined in subdivision  
31 one of section eighteen hundred two of the real property tax law, shall  
32 not be sold by the city unless such tax lien or tax liens include a real  
33 property tax component or sewer rents component or sewer surcharges  
34 component or water rents component or emergency repair charges compo-  
35 nent, where such emergency repair charges accrued on or after January  
36 first, two thousand six and are made a lien pursuant to section 27-2144  
37 of this code, as of the date of the first publication, pursuant to  
38 subdivision a of section 11-320 of this chapter, of the notice of sale,  
39 provided, however, that any tax lien or tax liens that remain unpaid in  
40 whole or in part after such date may be sold regardless of whether such  
41 tax lien or tax liens include a real property tax component, sewer rents  
42 component, sewer surcharges component, water rents component or emergen-  
43 cy repair charges component. For purposes of this subdivision, the words  
44 "real property tax" shall not include an assessment or charge upon prop-  
45 erty imposed pursuant to section 25-411 of the administrative code.  
46 Nothing in this subdivision shall be deemed to limit the rights  
47 conferred by section 11-332 of this chapter on the holder of a tax lien  
48 certificate with respect to a subsequent tax lien.

49 a-2. In addition to any sale authorized pursuant to subdivision a or  
50 subdivision a-1 of this section and notwithstanding any provision of  
51 this chapter to the contrary, beginning on December first, two thousand  
52 seven, the water rents, sewer rents and sewer surcharges components of  
53 any tax lien on any class of real property, as such real property is  
54 classified in subdivision one of section eighteen hundred two of the  
55 real property tax law, may be sold by the city pursuant to this chapter,  
56 where such water rents, sewer rents or sewer surcharges component of

1 such tax lien, as of the date of the first publication, pursuant to  
2 subdivision a of section 11-320 of this chapter, of the notice of sale:  
3 (i) shall have remained unpaid in whole or in part for one year and (ii)  
4 equals or exceeds the sum of one thousand dollars or, beginning on March  
5 first, two thousand eleven, in the case of any two or three family resi-  
6 dential real property in class one, for one year, and equals or exceeds  
7 the sum of two thousand dollars, or, beginning on January first, two  
8 thousand twelve, in the case of any class two residential property owned  
9 by a company organized pursuant to article XI of the state private hous-  
10 ing finance law [~~that is not a residential condominium or a residential~~  
11 ~~cooperative~~], as such class of property is defined in subdivision one of  
12 section eighteen hundred two of the real property tax law, for two  
13 years, and equals to exceeds the sum of five thousand dollars; provided,  
14 however, that such water rents, sewer rents or sewer surcharges compo-  
15 nent of such tax lien may not be sold pursuant to this subdivision on  
16 any one family residential real property in class one or on any two or  
17 three family residential real property in class one that is receiving an  
18 exemption pursuant to section 11-245.3 or 11-245.4 of this title, or  
19 pursuant to section four hundred fifty-eight of the real property tax  
20 law with respect to real property purchased with payments received as  
21 prisoner of war compensation from the United States government, or  
22 pursuant to paragraph (b) or (c) of subdivision two of section four  
23 hundred fifty-eight-a of the real property tax law, or where the owner  
24 of any two or three family residential real property in class one is  
25 receiving benefits in accordance with department of finance memorandum  
26 05-3, or any successor memorandum thereto, relating to active duty mili-  
27 tary personnel, or where the owner of any two or three family residen-  
28 tial real property in class one has been allowed a credit pursuant to  
29 subsection (e) of section six hundred six of the tax law for the calen-  
30 dar year in which the date of the first publication, pursuant to subdi-  
31 vision a of section 11-320 of this chapter, of the notice of sale,  
32 occurs or for the calendar year immediately preceding such date. After  
33 such sale, any such water rents, sewer rents or sewer surcharges compo-  
34 nent of such tax lien may be transferred in the manner provided by this  
35 chapter.

36 a-3. In addition to any sale authorized pursuant to subdivision a or  
37 subdivision a-1 of this section and notwithstanding any provision of  
38 this chapter to the contrary, beginning on December first, two thousand  
39 seven, a subsequent tax lien on any class of real property, as such real  
40 property is classified in subdivision one of section eighteen hundred  
41 two of the real property tax law, may be sold by the city pursuant to  
42 this chapter, regardless of whether such subsequent tax lien, or any  
43 component of the amount thereof, shall have remained unpaid in whole or  
44 in part for one year, and regardless of whether such subsequent tax  
45 lien, or any component of the amount thereof, equals or exceeds the sum  
46 of one thousand dollars or beginning on March first, two thousand elev-  
47 en, in the case of any two or three family residential real property in  
48 class one, a subsequent tax lien on such property may be sold by the  
49 city pursuant to this chapter, regardless of whether such subsequent tax  
50 lien, or any component of the amount thereof, shall have remained unpaid  
51 in whole or in part for one year, and regardless of whether such subse-  
52 quent tax lien, or any component of the amount thereof, equals or  
53 exceeds the sum of two thousand dollars, or, beginning on January first,  
54 two thousand twelve, in the case of any class two residential property  
55 owned by a company organized pursuant to article XI of the state private  
56 housing finance law [~~that is not a residential condominium or a residen-~~

1 ~~tial-cooperative~~], as such class of property is defined in subdivision  
2 one of section eighteen hundred two of the real property tax law, a  
3 subsequent tax lien on such property may be sold by the city pursuant to  
4 this chapter, regardless of whether such subsequent tax lien, or any  
5 component of the amount thereof, shall have remained unpaid in whole or  
6 in part for two years, and regardless of whether such subsequent tax  
7 lien, or any component of the amount thereof, equals or exceeds the sum  
8 of five thousand dollars; provided, however, that such subsequent tax  
9 lien may not be sold pursuant to this subdivision on any one family  
10 residential real property in class one or on any two or three family  
11 residential real property in class one that is receiving an exemption  
12 pursuant to section 11-245.3 or 11-245.4 of this title, or pursuant to  
13 section four hundred fifty-eight of the real property tax law with  
14 respect to real property purchased with payments received as prisoner of  
15 war compensation from the United States government, or pursuant to para-  
16 graph (b) or (c) of subdivision two of section four hundred  
17 fifty-eight-a of the real property tax law, or where the owner of any  
18 two or three family residential real property in class one is receiving  
19 benefits in accordance with department of finance memorandum 05-3, or  
20 any successor memorandum thereto, relating to active duty military  
21 personnel, or where the owner of any two or three family residential  
22 real property in class one has been allowed a credit pursuant to  
23 subsection (e) of section six hundred six of the tax law for the calen-  
24 dar year in which the date of the first publication, pursuant to subdi-  
25 vision a of section 11-320 of this chapter, of the notice of sale,  
26 occurs or for the calendar year immediately preceding such date. After  
27 such sale, any such subsequent tax lien, or any component of the amount  
28 thereof, may be transferred in the manner provided by this chapter. For  
29 purposes of this subdivision, the term "subsequent tax lien" shall mean  
30 the water rents, sewer rents or sewer surcharges component of any tax  
31 lien on property that becomes such on or after the date of sale of any  
32 water rents, sewer rents or sewer surcharges component of any tax lien  
33 on such property that has been sold pursuant to this chapter, provided  
34 that the prior tax lien remains unpaid as of the date of the first  
35 publication, pursuant to subdivision a of section 11-320 of this chap-  
36 ter, of the notice of sale of the subsequent tax lien. Nothing in this  
37 subdivision shall be deemed to limit the rights conferred by section  
38 11-332 of this chapter on the holder of a tax lien certificate with  
39 respect to a subsequent tax lien.

40 a-4. In addition to any sale authorized pursuant to subdivision a,  
41 a-1, a-2 or a-3 of this section and notwithstanding any provision of  
42 this chapter to the contrary, beginning on March first, two thousand  
43 eleven, the emergency repair charges component or alternative enforce-  
44 ment expenses and fees component, where such emergency repair charges  
45 accrued on or after January first, two thousand six and are made a lien  
46 pursuant to section 27-2144 of this code, or where such alternative  
47 enforcement expenses and fees are made a lien pursuant to section  
48 27-2153 of this code, of any tax lien on any class of real property, as  
49 such real property is defined in subdivision one of section eighteen  
50 hundred two of the real property tax law, may be sold by the city pursu-  
51 ant to this chapter, where such emergency repair charges component or  
52 alternative enforcement expenses and fees component of such tax lien, as  
53 of the date of the first publication, pursuant to subdivision a of  
54 section 11-320 of this chapter, of the notice of sale: (i) shall have  
55 remained unpaid in whole or in part for one year, and (ii) equals or  
56 exceeds the sum of one thousand dollars or, beginning on January first,

1 two thousand twelve, in the case of any class two residential property  
2 owned by a company organized pursuant to article XI of the state private  
3 housing finance law [~~that is not a residential condominium or a residen-~~  
4 ~~tial cooperative~~], as such class of property is defined in subdivision  
5 one of section eighteen hundred two of the real property tax law, for  
6 two years, and equals or exceeds the sum of five thousand dollars;  
7 provided, however, that such emergency repair charges component or  
8 alternative enforcement expenses and fees component of such tax lien may  
9 not be sold pursuant to this subdivision on any one, two or three family  
10 residential real property in class one, except a three family residen-  
11 tial property in class one where such property is subject to the  
12 provisions of section 27-2153 of this code and is not the primary resi-  
13 dence of the owner. After such sale, any such emergency repair charges  
14 component or alternative enforcement expenses and fees component of such  
15 tax lien may be transferred in the manner provided by this chapter.

16 a-5. In addition to any sale authorized pursuant to subdivision a,  
17 a-1, a-2 or a-3 of this section and notwithstanding any provision of  
18 this chapter to the contrary, beginning on March first, two thousand  
19 eleven, a subsequent tax lien on any class of real property, or begin-  
20 ning on January first, two thousand twelve in the case of any class two  
21 residential property owned by a company organized pursuant to article XI  
22 of the state private housing finance law [~~that is not a residential~~  
23 ~~condominium or a residential cooperative~~], a subsequent tax lien on such  
24 property, may be sold by the city pursuant to this chapter, regardless  
25 of the length of time such subsequent tax lien, or any component of the  
26 amount thereof, shall have remained unpaid, and regardless of the amount  
27 of such subsequent tax lien. After such sale, any such subsequent tax  
28 lien, or any component of the amount thereof, may be transferred in the  
29 manner provided by this chapter. For purposes of this subdivision, the  
30 term "subsequent tax lien" shall mean the emergency repair charges  
31 component or alternative enforcement expenses and fees component, where  
32 such emergency repair charges accrued on or after January first, two  
33 thousand six and are made a lien pursuant to section 27-2144 of this  
34 code, or where such alternative enforcement expenses and fees are made a  
35 lien pursuant to section 27-2153 of this code, of any tax lien on prop-  
36 erty that becomes such on or after the date of sale of any emergency  
37 repair charges component or alternative enforcement expenses and fees  
38 component, of any tax lien on such property that has been sold pursuant  
39 to this chapter, provided that the prior tax lien remains unpaid as of  
40 the date of the first publication, pursuant to subdivision a of section  
41 11-320 of this chapter, of the notice of sale of the subsequent tax  
42 lien. Nothing in this subdivision shall be deemed to limit the rights  
43 conferred by section 11-332 of this chapter on the holder of a tax lien  
44 certificate with respect to a subsequent tax lien.

45 § 15. Subparagraph (i) of paragraph 2 of subdivision b and subpara-  
46 graph (ii) of paragraph 1 of subdivision h of section 11-320 of the  
47 administrative code of the city of New York, subparagraph (i) of para-  
48 graph 2 of subdivision b as amended by local law number 147 of the city  
49 of New York for the year 2013 and subparagraph (ii) of paragraph 1 of  
50 subdivision h as added by local law number 15 of the city of New York  
51 for the year 2011, are amended to read as follows:

52 (i) Such notices shall also include, with respect to any property  
53 owner in class one, class one-a or class two, as such classes of proper-  
54 ty are defined in subdivision one of section eighteen hundred two of the  
55 real property tax law, an exemption eligibility checklist. The exemption  
56 eligibility checklist shall also be posted on the website of the depart-

1 ment no later than the first business day after March fifteenth of every  
2 year prior to the date of sale, and shall continue to be posted on such  
3 website until ten days prior to the date of sale. Within ten business  
4 days of receipt of a completed exemption eligibility checklist from such  
5 property owner, provided that such receipt occurs prior to the date of  
6 sale of any tax lien or tax liens on his or her property, the department  
7 of finance shall review such checklist to determine, based on the infor-  
8 mation provided by the property owner, whether such property owner could  
9 be eligible for any exemption, credit or other benefit that would entitle  
10 them to be excluded from a tax lien sale and, if the department  
11 determines that such property owner could be eligible for any such  
12 exemption, credit or other benefit, shall mail such property owner an  
13 application for the appropriate exemption, credit or other benefit. If,  
14 within twenty business days of the date the department mailed such  
15 application, the department has not received a completed application  
16 from such property owner, the department shall mail such property owner  
17 a second application, and shall telephone the property owner, if the  
18 property owner has included his or her telephone number on the exemption  
19 eligibility checklist.

20 (ii) all class two residential property owned by a company organized  
21 pursuant to article XI of the state private housing finance law [~~that is~~  
22 ~~not a residential condominium or a residential cooperative~~] on which any  
23 tax lien has been sold pursuant to subdivision a, a-2 or a-4 of section  
24 11-319 of this title.

25 § 16. Subdivision (a) of section 11-354 of the administrative code of  
26 the city of New York, as amended by local law number 37 of the city of  
27 New York for the year 1996, is amended to read as follows:

28 (a) Notwithstanding any other provision of law and notwithstanding any  
29 omission to hold a tax lien sale, whenever any tax, assessment, sewer  
30 rent, sewer surcharge, water rent, any charge that is made a lien  
31 subject to the provisions of this chapter or chapter four of this title,  
32 or interest and penalties thereon, has been due and unpaid for a period  
33 of at least one year from the date on which the tax, assessment or other  
34 legal charge represented thereby became a lien, or in the case of any  
35 class one property or any class [~~two~~] one-a property [~~that is a residen-~~  
36 ~~tial condominium or residential cooperative~~], as such classes of proper-  
37 ty are defined in subdivision one of section eighteen hundred two of the  
38 real property tax law, or in the case of a multiple dwelling owned by a  
39 company organized pursuant to article XI of the private housing finance  
40 law with the consent and approval of the department of housing preserva-  
41 tion and development, for a period of at least three years from the date  
42 on which the tax, assessment or other legal charge became a lien, the  
43 city, as owner of a tax lien, may maintain an action in the supreme  
44 court to foreclose such lien. Such action shall be governed by the  
45 procedures set forth in section 11-335 of this chapter; provided, howev-  
46 er, that such parcel shall only be sold to the highest responsible  
47 bidder. Such purchaser shall be deemed qualified as a responsible bidder  
48 pursuant to such criteria as are established in rules promulgated by the  
49 commissioner of finance after consultation with the commissioner of  
50 housing preservation and development.

51 § 17. The opening paragraph of subdivision 4 of section 11-401 of the  
52 administrative code of the city of New York, as added by local law  
53 number 37 of the city of New York for the year 1996, is amended to read  
54 as follows:

55 "Distressed property." Any parcel of class one, class one-a or class  
56 two real property that is subject to a tax lien or liens with a lien or

1 liens to value ratio, as determined by the commissioner of finance,  
2 equal to or greater than fifteen percent and that meets one of the  
3 following two criteria:

4 § 18. Subdivisions a and b of section 11-401.1 of the administrative  
5 code of the city of New York, as added by local law number 37 of the  
6 city of New York for the year 1996, are amended to read as follows:

7 a. The commissioner of finance shall, not less than sixty days preced-  
8 ing the date of the sale of a tax lien or tax liens, submit to the  
9 commissioner of housing preservation and development a description by  
10 block and lot, or by such other identification as the commissioner of  
11 finance may deem appropriate, of any parcel of class one, class one-a or  
12 class two real property on which there is a tax lien that may be fore-  
13 closed by the city. The commissioner of housing preservation and devel-  
14 opment shall determine, and direct the commissioner of finance, not less  
15 than ten days preceding the date of the sale of a tax lien or tax liens,  
16 whether any such parcel is a distressed property as defined in subdivi-  
17 sion four of section 11-401 of this chapter. Any tax lien on a parcel so  
18 determined to be a distressed property shall not be included in such  
19 sale. In connection with a subsequent sale of a tax lien or tax liens,  
20 the commissioner of finance may, not less than sixty days preceding the  
21 date of the sale, resubmit to the commissioner of housing preservation  
22 and development a description by block and lot, or by such other iden-  
23 tification as the commissioner of finance may deem appropriate, of any  
24 parcel of class one, class one-a or class two real property that was  
25 previously determined to be a distressed property pursuant to this para-  
26 graph and on which there is a tax lien that may be included in such  
27 sale. The commissioner of housing preservation and development shall  
28 determine, and direct the commissioner of finance, not less than ten  
29 days preceding the date of the sale, whether such parcel remains a  
30 distressed property. If the commissioner of housing preservation and  
31 development determines that the parcel is not a distressed property,  
32 then the tax lien on the parcel may be included in the sale.

33 b. The commissioner of housing preservation and development may peri-  
34 odically review whether a parcel of class one, class one-a or class two  
35 real property that is subject to subdivision c of this section or subdivi-  
36 sion j of section 11-412.1 of this chapter remains a distressed prop-  
37 erty. If the commissioner determines that the parcel is not a distressed  
38 property as defined in subdivision four of section 11-401 of this chap-  
39 ter, then the parcel shall not be subject to such subdivisions.

40 § 19. Subdivision b of section 11-404 of the administrative code of  
41 the city of New York, as amended by local law number 37 of the city of  
42 New York for the year 1996, is amended to read as follows:

43 b. A tax lien on any class one property or any class ~~[two]~~ one-a prop-  
44 erty ~~[that is a residential condominium or residential cooperative]~~, as  
45 such classes of property are defined in subdivision one of section eigh-  
46 teen hundred two of the real property tax law, and on any multiple  
47 dwelling owned by a company organized pursuant to article XI of the  
48 private housing finance law with the consent and approval of the depart-  
49 ment of housing preservation and development, shall not be foreclosed in  
50 the manner provided in this chapter until such tax lien has been due and  
51 unpaid for a period of at least three years from the date on which the  
52 tax, assessment or other legal charge represented thereby became a lien.

53 § 20. Paragraph 5 of subdivision c of section 11-405 of the adminis-  
54 trative code of the city of New York, as added by local law number 37 of  
55 the city of New York for the year 1996, is amended to read as follows:

(5) Notwithstanding paragraph one, two or three of this subdivision, with respect to installment agreements duly made, executed and filed on or after the date on which this paragraph takes effect, the commissioner of finance may also exclude or thereafter remove from such list any parcel of class one, class one-a or class two real property, other than a parcel described in paragraph four of this subdivision, as to which an agreement has been duly made, executed and filed with such commissioner for the payment of the delinquent taxes, assessments or other legal charges, and the interest and penalties thereon, in installments. The first installment thereof shall be paid upon the filing of the installment agreement with the commissioner and shall be in an amount equal to not less than fifteen percent of the total amount of such delinquent taxes, assessments or other legal charges and the interest and penalties thereon. The remaining installments, which shall be twice the number of unpaid quarters of real estate taxes or the equivalent thereof, but which shall in no event exceed thirty-two in number, shall be payable quarterly on the first days of July, October, January and April. For the purposes of calculating the number of such remaining installments, unpaid real estate taxes that are due and payable on other than a quarterly basis shall be deemed to be payable on a quarterly basis.

§ 21. Section 581 of the real property tax law is REPEALED.

§ 22. Subdivision 1 of section 339-y of the real property law, as amended by chapter 218 of the laws of 1986, subparagraph (ii) of paragraph (d) as amended by chapter 223 of the laws of 1989, paragraph (e) as added by chapter 135 of the laws of 1996 and paragraph (f) as added by chapter 293 of the laws of 1997, is amended to read as follows:

1. (a) With respect to all property submitted to the provisions of this article other than property which is the subject of a qualified leasehold condominium, each unit and its common interest, not including any personal property, shall be deemed to be a parcel and shall be subject to separate assessment and taxation by each assessing unit, school district, special district, county or other taxing unit, for all types of taxes authorized by law including but not limited to special ad valorem levies and special assessments, except that the foregoing shall not apply to a unit held under lease or sublease unless the declaration requires the unit owner to pay all taxes attributable to his unit. Neither the building, the property nor any of the common elements shall be deemed to be a parcel.

~~(b) [In no event shall the aggregate of the assessment of the units plus their common interests exceed the total valuation of the property were the property assessed as a parcel.~~

~~(c)]~~ For the purposes of this and the next succeeding section the terms "assessing unit", "assessment", "parcel", "special ad valorem levy", "special assessment", "special district", "taxation" and "taxes" shall have the meanings specified in section one hundred two of the real property tax law.

~~[(d) The provisions of paragraph (b) of this subdivision shall not apply to such real property classified within:~~

~~(i) on and after January first, nineteen hundred eighty-six, class one of section one thousand eight hundred two of the real property tax law, or~~

~~(ii) on and after January first, nineteen hundred eighty-four, the homestead class of an approved assessing unit which has adopted the provisions of section one thousand nine hundred three of the real property tax law, or the homestead class of the portion outside an approved assessing unit of an eligible split school district which has adopted~~

~~the provisions of section nineteen hundred three a of the real property tax law, provided, however, that, in an approved assessing unit which adopted the provisions of section one thousand nine hundred three of the real property tax law prior to the effective date of this subdivision, paragraph (b) of this subdivision shall apply to all such real property (i) which is classified within the homestead class pursuant to paragraph one of subdivision (c) of section one thousand nine hundred one of the real property tax law and (ii) which, regardless of classification, was on the assessment roll prior to the effective date of this subdivision unless the governing body of such approved assessing unit provides by local law adopted after a public hearing, prior to the taxable status date of such assessing unit next occurring after December thirty-first, nineteen hundred eighty-three, that such paragraph (b) shall not apply to such real property to which this clause applies. Provided further, however, real property subject to the provisions of this subparagraph shall be assessed pursuant to subdivision two of section five hundred eighty-one of the real property tax law.~~

~~(e)]~~ (c) On the first assessment roll with a taxable status date on or after the effective date of a declaration filed with the recording officer and on every assessment roll thereafter, the assessor shall enter each unit as a parcel, as provided in paragraph (a) of this subdivision, based upon the condition and ownership of each such unit on the appropriate valuation and taxable status dates. Units owned by a developer may be entered as a single parcel with a parcel description corresponding to the entire development, including the land under such development, and excluding those units appearing separately. Upon the first assessment roll where each unit is separately assessed, only an individual unit and its common interest shall constitute a parcel.

~~[(f) The provisions of paragraph (b) of this subdivision shall not apply to a converted condominium unit in a municipal corporation other than a special assessing unit, which has adopted, prior to the taxable status date of the assessment roll upon which its taxes will be levied, a local law or, for a school district, a resolution providing that the provisions of paragraph (b) of this subdivision shall not apply to a converted condominium unit within that municipal corporation. A converted condominium unit for purposes of this paragraph shall mean a dwelling unit held in condominium form of ownership that has previously been on an assessment roll as a dwelling unit in other than condominium form of ownership, and has not been previously subject to the provisions of paragraph (b) of this subdivision.]~~

§ 23. This act shall take effect on the first of January next succeeding the date on which it shall have become a law and shall apply to assessment rolls prepared pursuant to a taxable status date occurring on or after such date; provided, however, that effective immediately, the addition, amendment and/or repeal of any rule or regulation necessary for the implementation of this act on its effective date are authorized and directed to be made and completed on or before such effective date.