

# STATE OF NEW YORK

S. 5547

A. 7147

2017-2018 Regular Sessions

## SENATE - ASSEMBLY

April 10, 2017

IN SENATE -- Introduced by Sen. CARLUCCI -- read twice and ordered printed, and when printed to be committed to the Committee on Local Government

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

AN ACT to amend the real property tax law, in relation to a residential revaluation exemption

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

1 Section 1. The real property tax law is amended by adding a new  
2 section 485-t to read as follows:

3 § 485-t. Residential revaluation exemption. 1. Applicability. The  
4 governing body of an assessing unit may, after a public hearing, adopt  
5 the provisions of this section by local law in the first year of a full  
6 value revaluation to provide a residential revaluation exemption. If the  
7 governing body of an assessing unit passes a local law pursuant to this  
8 subdivision, such exemption shall also apply in the same manner and to  
9 the same extent to each village, county, special district or school  
10 district that levies taxes on the assessment roll prepared by such  
11 assessing unit. A village assessing unit, within an assessing unit that  
12 has conducted a revaluation and that chooses to adopt that assessing  
13 unit's latest final assessment roll is permitted to adopt the provisions  
14 of this section within two years of its implementation.

15 2. Eligibility. (a) The assessors in each assessing unit that have  
16 adopted the provisions of this section shall, in the first year in which  
17 revaluation assessments are to be entered on the assessment roll and for  
18 the next succeeding year, apply to each eligible residential property an  
19 exemption as provided in subdivision three of this section. For the  
20 purpose of this section, to be an "eligible residential property" the  
21 following criteria must be met:

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

LBD07896-02-7

1 (i) The property must be a residential property, provided that dwell-  
 2 ing units held in condominium form of ownership shall only be eligible  
 3 if located in an approved assessing unit and classified in the homestead  
 4 class or located in a special assessing unit and classified in class  
 5 one.

6 (ii) The property must be eligible to receive the STAR exemption  
 7 authorized by section four hundred twenty-five of this title or the  
 8 owner or owners must be eligible to receive the personal income tax  
 9 school tax relief (STAR) credit authorized by subsection (eee) of  
 10 section six hundred six of the tax law, for such property.

11 (iii) In any given year, the owner or owners receiving the exemption  
 12 pursuant to this section must be the same as the owner or owners that  
 13 appeared on the assessment roll upon which the revaluation is imple-  
 14 mented; and

15 (iv) The property must not have any delinquent taxes as of the taxable  
 16 status date for the roll on which an exemption is applied.

17 (b) In addition to the criteria provided in paragraph (a) of this  
 18 subdivision, an assessing unit may further limit the eligibility to  
 19 eligible residential property whose full value increase exceeded a set  
 20 percentage threshold as specified in their local law adopting the  
 21 provisions of this section.

22 3. Exemption calculation. (a)(i) The exemption shall be computed with  
 23 respect to a percentage of the "exemption base." The exemption base  
 24 shall be the amount by which the assessed value of a property on the  
 25 assessment roll upon which the revaluation is implemented exceeds the  
 26 prior year's equalized assessed value, as determined in the initial  
 27 year. The prior year's equalized assessed value shall be determined by  
 28 applying the applicable change in level of assessment factor to the  
 29 prior year's assessed value. Such exemption base shall not include  
 30 increases due to a physical improvement or a removal or reduction of an  
 31 exemption on property.

32 (ii) Any increase in the assessment of a property due to physical  
 33 changes in the year following the implementation roll shall not be  
 34 eligible for the exemption. In the event that any portion of a parcel is  
 35 fully or partially removed from the roll during the year following the  
 36 implementation roll by reason of fire, demolition, destruction or new  
 37 exemption, the assessor shall reduce the exemption for any remaining  
 38 portion in the same proportion assessment is reduced for such fire,  
 39 demolition, destruction or new exemption. If a property's revaluation  
 40 assessment is reduced pursuant to title one-A of article five, or title  
 41 one or one-A of article seven of this chapter, the exemption shall be  
 42 recomputed accordingly.

43 (b)(i) The exemption shall be to the extent of sixty-six per centum of  
 44 the exemption base in year one and thirty-three per centum of the  
 45 exemption base in year two.

46 (ii) The following table shall illustrate the computation of the  
 47 exemption:

<u>Year of exemption</u>	<u>Percentage of Exemption</u>
<u>1</u>	<u>66% of exemption base</u>
<u>2</u>	<u>33% of exemption base</u>

51 4. Granting of exemption. (a) Such exemption shall be granted only  
 52 upon application by the owner or owners of such real property on a form  
 53 prescribed by the commissioner. Such application shall be filed with the  
 54 assessor on or before the appropriate taxable status date for the  
 55 assessment roll upon which the revaluation is implemented.

1 (b) If the assessor is satisfied that the applicant is entitled to an  
2 exemption pursuant to this section, he or she shall approve the applica-  
3 tion and the taxable assessed value shall be reduced by the exemption,  
4 as in this section provided commencing with the assessment roll prepared  
5 after the taxable status date. The assessed value of any exemption  
6 granted pursuant to this section shall be entered by the assessor on the  
7 assessment roll with the amount of the exemption shown in a separate  
8 column.

9 (c) In the event that the residential property granted an exemption  
10 pursuant to this section transfers ownership or otherwise ceases to meet  
11 the eligibility requirements of the exemption in subdivision two of this  
12 section, the exemption granted pursuant to this section shall be discon-  
13 tinued. Upon determining that an exemption granted pursuant to this  
14 section should be discontinued, the assessor shall mail a notice so  
15 stating to the owner or owners thereof at the time and in the manner  
16 provided by section five hundred ten of this chapter.

17 § 2. This act shall take effect immediately.