STATE OF NEW YORK

6805--A

2017-2018 Regular Sessions

IN SENATE

June 19, 2017

Introduced by Sens. ALCANTARA, KENNEDY -- read twice and ordered printed, and when printed to be committed to the Committee on Rules -- recommitted to the Committee on Local Government in accordance with Senate Rule 6, sec. 8 -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

AN ACT to amend the real property tax law, in relation to providing a tax abatement related to the removal of leaded paint

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

Section 1. The real property tax law is amended by adding a new section 467-k to read as follows:

§ 467-k. Abatement of real property taxes for the cost of lead-based paint remediation to certain residential rental buildings. 1. Residential rental buildings where lead-based paint remediation is completed subsequent to the effective date of a local law or resolution adopted pursuant to this section shall receive a real property tax abatement to the extent provided in this section. After a public hearing, the governing board of a city may adopt a local law to grant the abatement authorized pursuant to this section. A copy of such local law or resolution shall be filed with the commissioner and the assessor of such city.

2. As used in this section:

a. "Lead-based paint remediation" shall mean any set of measures designed to permanently eliminate lead-based paint or lead-based paint hazards. Remediation includes: (i) the removal of lead-based paint and dust lead hazards, the permanent enclosure or encapsulation of lead-based paint, the replacement of components or fixtures painted with lead-based paint, and the removal or permanent covering of soil-lead hazards; and (ii) all preparation, cleanup, disposal and post abatement clearance testing associated with such measures. Remediation shall not include renovation, remodeling, landscaping or other activities, when such activities are not designed to permanently eliminate lead-based

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

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paint hazards, but, instead, are designed to repair, restore, or remodel a given structure or dwelling, even though these activities may incidentally result in a reduction or elimination of lead-based paint hazards. Furthermore, remediation does not include interim controls, operations and maintenance activities, or other measures and activities designed to temporarily, but not permanently, reduce lead-based paint hazards.

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

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

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

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

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

c. No such abatement shall be granted for the lead-based paint remediation unless:

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

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

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

4. Such abatement shall be granted only upon application by the owner of such building on a form prescribed by the commissioner. The application shall be filed with the assessor of the city, before the appropriate taxable status date of such city and within one year of the completion of the lead paint remediation. Such application shall at a minimum include:

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

b. a copy of the certification by the United States Environmental Protection Agency of the firm that performed lead-based paint remediation; and

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

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

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

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