

STATE OF NEW YORK

5244--A

Cal. No. 793

2017-2018 Regular Sessions

IN SENATE

March 16, 2017

Introduced by Sen. YOUNG -- read twice and ordered printed, and when printed to be committed to the Committee on Local Government -- reported favorably from said committee, ordered to first and second report, ordered to a third reading, amended and ordered reprinted, retaining its place in the order of third reading

AN ACT to amend the real property tax law, in relation to establishing an owner occupied residential property exemption program in certain cities

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. Owner occupied residential property exemption program. 1.
4 Definitions. As used in this section, the following terms shall have the
5 following meanings:

6 (a) "Applicant" means any person obligated to pay real property taxes
7 on real property, which he or she owns and upon which he or she resides,
8 or will reside and for which an exemption from taxes under this section
9 is sought.

10 (b) "Municipality" means any city having a population of not less than
11 thirty-one thousand one hundred forty and not more than thirty-one thou-
12 sand one hundred fifty as determined by the latest federal decennial
13 census.

14 (c) "Residential construction work" means (i) the creation, moderniza-
15 tion, rehabilitation, expansion or other improvement of single family or
16 two family residential property that is vacant, legally condemned and
17 has outstanding state and local building and fire code violations, where
18 the cost of remedying such violations exceeds the value of such proper-
19 ty; or

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

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(ii) the construction of a new single or two family residence of not less than one thousand two hundred square feet on a parcel upon which a prior structure was demolished.

2. A municipality, may, by local law, provide for the exemption of owner occupied residential property, which has been subject to residential construction work, from taxation as provided in this section. Subsequent to the adoption of such a local law, the county in which such municipality is located may, by local law, and any school district, all or part of which is located in such municipality, may, by resolution, exempt such property from its taxation in the same manner and to the same extent as such municipality has done.

3. Upon the adoption of such a local law the owner occupied residential property that was created, modernized, rehabilitated, expanded or otherwise improved, shall be exempt from taxation and special ad valorem levies as provided for in subdivision four of this section.

4. (a) (i) For a period of eleven years following the approval of an application, the increase in assessed value of such property attributable to such creation, modernization, rehabilitation, expansion or other improvement shall be exempt as provided in subparagraph (ii) of this paragraph. Such exemption shall be computed with respect to the "exemption base". The exemption base shall be determined for each year in which there is an increase in assessed value so attributable from that of the previous year's assessed value.

(ii) The following shall determine the computation of the tax exemption:

<u>Year of exemption</u>	<u>Percentage of exemption</u>
<u>1 through 3</u>	<u>100% of exemption base</u>
<u>4 through 5</u>	<u>80% of exemption base</u>
<u>6 through 7</u>	<u>60% of exemption base</u>
<u>8 through 9</u>	<u>40% of exemption base</u>
<u>10 through 11</u>	<u>20% of exemption base</u>

(b) No such exemption shall be granted unless:

(i) such creation, modernization, rehabilitation, expansion or other improvement was commenced subsequent to the date on which the municipality's local law took effect;

(ii) the cost of such creation, modernization, rehabilitation, expansion or other improvement exceeds the sum of ten thousand dollars or such greater amount as may be specified by local law;

(iii) the building department has issued a certificate of occupancy following the completion of the residential construction work; and

(iv) the property complies with all applicable codes and zoning laws of the city.

(c) For purposes of this section the term "creation, modernization, rehabilitation, expansion or other improvement" shall not include ordinary maintenance and repairs.

(d) No such exemption shall be granted concurrent with or subsequent to any other real property tax exemption granted to the same improvements to real property, except, where during the period of such previous exemption, payments in lieu of taxes or other payments were made to the municipality in an amount that would have been equal to or greater than the amount of real property taxes that would have been paid on such improvements had such property been granted an exemption pursuant to this section. In such case, an exemption shall be granted for a number of years equal to the eleven year exemption granted pursuant to this

1 section less the number of years the property would have been previously
2 exempt from real property taxes.

3 5. (a) Such exemption shall be granted only upon application by an
4 owner who resides or certifies that he or she will reside on the real
5 property on a form prescribed by the commissioner. Such application
6 shall be filed with the assessor on or before the appropriate taxable
7 status date.

8 (b) Such application must include information that discloses the scope
9 of work to be undertaken and shall contain cost estimates and quotes for
10 such work from contractors, plumbers and electricians licensed to do
11 business within the municipality.

12 (c) The application and the scope of work shall be reviewed by the
13 municipal housing code enforcement officer and the appropriate fire and
14 building code enforcement officer who shall ensure that all proposed
15 work complies with the provisions of the New York state fire prevention
16 and building code and all applicable municipal codes and ordinances.

17 6. If the assessor is satisfied that the applicant is entitled to an
18 exemption pursuant to this section, he or she shall approve the applica-
19 tion and such real property shall thereafter be exempt from taxation and
20 special ad valorem levies as provided in this section commencing with
21 the assessment roll prepared after the taxable status date referred to
22 in subdivision five of this section. The assessed value of any
23 exemption granted pursuant to this section shall be entered by the
24 assessor on the assessment roll with the taxable property, with the
25 amount of the exemption shown in a separate column.

26 § 2. This act shall take effect immediately.