

# STATE OF NEW YORK

6805

2017-2018 Regular Sessions

## IN SENATE

June 19, 2017

Introduced by Sen. ALCANTARA -- read twice and ordered printed, and when printed to be committed to the Committee on Rules

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

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 467-k to read as follows:

3 § 467-k. Abatement of real property taxes for the cost of lead-based  
4 paint remediation to certain residential rental buildings. 1. Residen-  
5 tial rental buildings where lead-based paint remediation is completed  
6 subsequent to the effective date of a local law or resolution adopted  
7 pursuant to this section shall receive a real property tax abatement to  
8 the extent provided in this section. After a public hearing, the govern-  
9 ing board of a city may adopt a local law to grant the abatement author-  
10 ized pursuant to this section. A copy of such local law or resolution  
11 shall be filed with the commissioner and the assessor of such city.

12 2. As used in this section:

13 a. "Lead-based paint remediation" shall mean any set of measures  
14 designed to permanently eliminate lead-based paint or lead-based paint  
15 hazards. Remediation includes: (i) the removal of lead-based paint and  
16 dust lead hazards, the permanent enclosure or encapsulation of lead-  
17 based paint, the replacement of components or fixtures painted with  
18 lead-based paint, and the removal or permanent covering of soil-lead  
19 hazards; and (ii) all preparation, cleanup, disposal and post abatement  
20 clearance testing associated with such measures. Remediation shall not  
21 include renovation, remodeling, landscaping or other activities, when  
22 such activities are not designed to permanently eliminate lead-based  
23 paint hazards, but, instead, are designed to repair, restore, or remodel  
24 a given structure or dwelling, even though these activities may inci-  
25 dentally result in a reduction or elimination of lead-based paint

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

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1 hazards. Furthermore, remediation does not include interim controls,  
2 operations and maintenance activities, or other measures and activities  
3 designed to temporarily, but not permanently, reduce lead-based paint  
4 hazards.

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

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

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

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

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

26 c. No such abatement shall be granted for the lead-based paint remedi-  
27 ation unless:

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

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

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

40 4. Such abatement shall be granted only upon application by the owner  
41 of such building on a form prescribed by the commissioner. The applica-  
42 tion shall be filed with the assessor of the city, before the appropri-  
43 ate taxable status date of such city and within one year of the  
44 completion of the lead paint remediation. Such application shall at a  
45 minimum include:

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

50 b. a copy of the certification by the United States Environmental  
51 Protection Agency of the firm that performed lead-based paint remedi-  
52 ation; and

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

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

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

15     § 2. This act shall take effect immediately and shall apply to assess-  
16 ment rolls prepared on the basis of taxable status dates occurring on or  
17 after January 1, 2018.