

# STATE OF NEW YORK

7092--B

2019-2020 Regular Sessions

## IN ASSEMBLY

April 5, 2019

Introduced by M. of A. RODRIGUEZ, ORTIZ, CYMBROWITZ, DICKENS, D'URSO, L. ROSENTHAL, RIVERA, CUSICK, PICHARDO, EICHENSTEIN, MOSLEY, REYES, CRUZ, BARRON, BLAKE, HEVESI, EPSTEIN, GLICK, FRONTUS, BENEDETTO, TAYLOR, JOYNER, SIMON -- Multi-Sponsored by -- M. of A. ARROYO, DenDEKKER -- read once and referred to the Committee on Real Property Taxation -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee -- recommitted to the Committee on Real Property Taxation in accordance with Assembly Rule 3, sec. 2 -- 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 partial tax abatement for residential real property held in the cooperative or condominium form of ownership in a city having a population of one million or more

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

1 Section 1. Subdivision 2 of section 467-a of the real property tax law  
2 is amended by adding a new paragraph (b-2) to read as follows:

3 (b-2) Notwithstanding any other provision of law to the contrary for  
4 fiscal years commencing in calendar years 2020 and after, the provisions  
5 of this section shall not apply to any dwelling unit for which the bill-  
6 able assessed value is two hundred thousand dollars or greater.

7 § 2. Paragraphs (a) and (b) of subdivision 2 of section 467-a of the  
8 real property tax law, as amended by chapter 90 of the laws of 2019, are  
9 amended to read as follows:

10 (a) In a city having a population of one million or more, dwelling  
11 units owned by unit owners who, as of the applicable taxable status  
12 date, own no more than three dwelling units in any one property held in  
13 the condominium form of ownership, shall be eligible to receive a  
14 partial abatement of real property taxes, as set forth in paragraphs  
15 (c), (d), (d-1), (d-2), (d-3), (d-4), (d-5) and (d-6) of this subdivi-

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

LBD10319-08-0

1 sion; provided, however, that a property held in the condominium form of  
2 ownership that is receiving complete or partial real property tax  
3 exemption or tax abatement pursuant to any other provision of this chap-  
4 ter or any other state or local law, except as provided in paragraph (f)  
5 of this subdivision, shall not be eligible to receive a partial abate-  
6 ment pursuant to this section; and provided, further, that sponsors  
7 shall not be eligible to receive a partial abatement pursuant to this  
8 section; and provided, further, that in the fiscal years commencing in  
9 calendar years two thousand twelve through two thousand [~~twenty~~] twen-  
10 ty-one no more than a maximum of three dwelling units owned by any unit  
11 owner in a single building, one of which must be the primary residence  
12 of such unit owner, shall be eligible to receive a partial abatement  
13 pursuant to paragraphs (d-1), (d-2), (d-3) and (d-4) of this subdivi-  
14 sion.

15 (b) In a city having a population of one million or more, dwelling  
16 units owned by tenant-stockholders who, as of the applicable taxable  
17 status date, own no more than three dwelling units in any one property  
18 held in the cooperative form of ownership, shall be eligible to receive  
19 a partial abatement of real property taxes, as set forth in paragraphs  
20 (c), (d), (d-1), (d-2), (d-3), (d-4), (d-5) and (d-6) of this subdivi-  
21 sion; provided, however, that a property held in the cooperative form of  
22 ownership that is receiving complete or partial real property tax  
23 exemption or tax abatement pursuant to any other provision of this chap-  
24 ter or any other state or local law, except as provided in paragraph (f)  
25 of this subdivision, shall not be eligible to receive a partial abate-  
26 ment pursuant to this section; and provided, further, that sponsors  
27 shall not be eligible to receive a partial abatement pursuant to this  
28 section; and provided, further, that in the fiscal years commencing in  
29 calendar years two thousand twelve through two thousand [~~twenty~~] twen-  
30 ty-one no more than a maximum of three dwelling units owned by any  
31 tenant-stockholder in a single building, one of which must be the prima-  
32 ry residence of such tenant-stockholder, shall be eligible to receive a  
33 partial abatement pursuant to paragraphs (d-1), (d-2), (d-3) and (d-4)  
34 of this subdivision. For purposes of this section, a tenant-stockholder  
35 of a cooperative apartment corporation shall be deemed to own the dwell-  
36 ing unit which is represented by his or her shares of stock in such  
37 corporation. Any abatement so granted shall be credited by the appropri-  
38 ate taxing authority against the tax due on the property as a whole. The  
39 reduction in real property taxes received thereby shall be credited by  
40 the cooperative apartment corporation against the amount of such taxes  
41 attributable to eligible dwelling units at the time of receipt.

42 § 3. Paragraphs (d-1), (d-2), (d-3) and (d-4) of subdivision 2 of  
43 section 467-a of the real property tax law, as amended by chapter 90 of  
44 the laws of 2019, are amended to read as follows:

45 (d-1) In the fiscal years commencing in calendar years two thousand  
46 twelve, two thousand thirteen and two thousand fourteen, eligible dwell-  
47 ing units in property whose average unit assessed value is less than or  
48 equal to fifty thousand dollars shall receive a partial abatement of the  
49 real property taxes attributable to or due on such dwelling units of  
50 twenty-five percent, twenty-six and one-half percent and twenty-eight  
51 and one-tenth percent respectively. In the fiscal years commencing in  
52 calendar years two thousand fifteen through two thousand [~~twenty~~] twen-  
53 ty-one eligible dwelling units in property whose average unit assessed  
54 value is less than or equal to fifty thousand dollars shall receive a  
55 partial abatement of the real property taxes attributable to or due on  
56 such dwelling units of twenty-eight and one-tenth percent.

1 (d-2) In the fiscal years commencing in calendar years two thousand  
2 twelve, two thousand thirteen and two thousand fourteen, eligible dwell-  
3 ing units in property whose average unit assessed value is more than  
4 fifty thousand dollars, but less than or equal to fifty-five thousand  
5 dollars, shall receive a partial abatement of the real property taxes  
6 attributable to or due on such dwelling units of twenty-two and one-half  
7 percent, twenty-three and eight-tenths percent and twenty-five and two-  
8 tenths percent respectively. In the fiscal years commencing in calendar  
9 years two thousand fifteen through two thousand [~~twenty~~] twenty-one  
10 eligible dwelling units in property whose average unit assessed value is  
11 more than fifty thousand dollars, but less than or equal to fifty-five  
12 thousand dollars, shall receive a partial abatement of the real property  
13 taxes attributable to or due on such dwelling units of twenty-five and  
14 two-tenths percent.

15 (d-3) In the fiscal years commencing in calendar years two thousand  
16 twelve, two thousand thirteen and two thousand fourteen, eligible dwell-  
17 ing units in property whose average unit assessed value is more than  
18 fifty-five thousand dollars, but less than or equal to sixty thousand  
19 dollars, shall receive a partial abatement of the real property taxes  
20 attributable to or due on such dwelling units of twenty percent, twen-  
21 ty-one and two-tenths percent, and twenty-two and five-tenths percent  
22 respectively. In the fiscal years commencing in calendar years two thou-  
23 sand fifteen through two thousand [~~twenty~~] twenty-one eligible dwelling  
24 units in property whose average unit assessed value is more than fifty-  
25 five thousand dollars, but less than or equal to sixty thousand dollars,  
26 shall receive a partial abatement of the real property taxes attribut-  
27 able to or due on such dwelling units of twenty-two and five-tenths  
28 percent.

29 (d-4) In the fiscal years commencing in calendar years two thousand  
30 twelve through two thousand [~~twenty~~] twenty-one, eligible dwelling units  
31 in property whose average unit assessed value is more than sixty thou-  
32 sand dollars shall receive a partial abatement of the real property  
33 taxes attributable to or due on such dwelling units of seventeen and  
34 one-half percent.

35 § 4. Paragraph (a) of subdivision 3 of section 467-a of the real prop-  
36 erty tax law, as amended by chapter 90 of the laws of 2019, is amended  
37 to read as follows:

38 (a) An application for an abatement pursuant to this section for the  
39 fiscal year commencing in calendar year nineteen hundred ninety-six  
40 shall be made no later than the fifteenth day of September, nineteen  
41 hundred ninety-six. An application for an abatement pursuant to this  
42 section for the fiscal year commencing in calendar year nineteen hundred  
43 ninety-seven shall be made no later than the first day of April, nine-  
44 teen hundred ninety-seven. An application for an abatement pursuant to  
45 this section for the fiscal year commencing in calendar year nineteen  
46 hundred ninety-eight shall be made no later than the first day of April,  
47 nineteen hundred ninety-eight. An application for an abatement pursuant  
48 to this section for the fiscal year commencing in calendar year nineteen  
49 hundred ninety-nine shall be made in accordance with this subdivision  
50 and subdivision three-a of this section. An application for an abatement  
51 pursuant to this section for the fiscal year commencing in calendar year  
52 two thousand shall be made no later than the fifteenth day of February,  
53 two thousand. An application for an abatement pursuant to this section  
54 for the fiscal year commencing in calendar year two thousand one shall  
55 be made in accordance with this subdivision and subdivision three-b of  
56 this section. An application for an abatement pursuant to this section

1 for the fiscal year commencing in calendar year two thousand two shall  
2 be made no later than the fifteenth day of February, two thousand two.  
3 An application for an abatement pursuant to this section for the fiscal  
4 year commencing in calendar year two thousand three shall be made no  
5 later than the fifteenth day of February, two thousand three. An appli-  
6 cation for an abatement pursuant to this section for the fiscal year  
7 commencing in calendar year two thousand four shall be made in accord-  
8 ance with this subdivision and subdivision three-c of this section. An  
9 application for an abatement pursuant to this section for the fiscal  
10 year commencing in calendar year two thousand five shall be made no  
11 later than the fifteenth day of February, two thousand five. An applica-  
12 tion for an abatement pursuant to this section for the fiscal year  
13 commencing in calendar year two thousand six shall be made no later than  
14 the fifteenth day of February, two thousand six. An application for an  
15 abatement pursuant to this section for the fiscal year commencing in  
16 calendar year two thousand seven shall be made no later than the  
17 fifteenth day of February, two thousand seven. An application for abate-  
18 ment pursuant to this section for the fiscal year commencing in calendar  
19 year two thousand eight shall be made in accordance with this subdivi-  
20 sion and subdivision three-d of this section. An application for an  
21 abatement pursuant to this section for the fiscal year commencing in  
22 calendar year two thousand nine shall be made no later than the  
23 fifteenth day of February, two thousand nine. An application for an  
24 abatement pursuant to this section for the fiscal year commencing in  
25 calendar year two thousand ten shall be made no later than the fifteenth  
26 day of February, two thousand ten. An application for an abatement  
27 pursuant to this section for the fiscal year commencing in calendar year  
28 two thousand eleven shall be made no later than the fifteenth day of  
29 February, two thousand eleven. An application for an abatement pursuant  
30 to this section for the fiscal years commencing in calendar years two  
31 thousand twelve and two thousand thirteen shall be made in accordance  
32 with subdivision three-e of this section. The date or dates by which  
33 applications for an abatement pursuant to this section shall be made for  
34 the fiscal years beginning in calendar years two thousand fourteen  
35 through two thousand [~~twenty~~] twenty-one shall be established by the  
36 commissioner of finance by rule, provided that such date or dates shall  
37 not be later than the fifteenth day of February for such calendar years.

38 § 5. For fiscal years commencing in calendar years 2020 and after, the  
39 New York city department of finance shall reallocate the monies used to  
40 provide the partial tax abatement for residential real property held in  
41 the cooperative or condominium form of ownership for dwelling units  
42 whose billable assessed value is two hundred thousand dollars or great-  
43 er, which are now ineligible for such tax abatement pursuant to section  
44 one of this act, to be deposited in a special account in the name of the  
45 New York city housing authority. Payment from such account shall be on  
46 the authorization of the commissioner of the department of housing pres-  
47 ervation and development.

48 § 6. This act shall take effect immediately.