

STATE OF NEW YORK

5554

2019-2020 Regular Sessions

IN SENATE

May 6, 2019

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

AN ACT to amend the real property tax law, in relation to the green roof tax abatement

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

1 Section 1. Section 499-bbb of the real property tax law, as added by
2 chapter 461 of the laws of 2008 and subdivision 1 as amended by chapter
3 524 of the laws of 2013, is amended to read as follows:

4 § 499-bbb. Real property tax abatement. An eligible building shall
5 receive an abatement of real property taxes as provided in this title
6 and the rules promulgated hereunder.

7 1. (a) [~~The amount of such tax abatement for any tax year commencing~~
8 ~~on or after July first, two thousand nine and ending on or before June~~
9 ~~thirtieth, two thousand fourteen shall be four dollars and fifty cents~~
10 ~~per square foot of a green roof pursuant to an approved application for~~
11 ~~tax abatement, provided, however, that the amount of such tax abatement~~
12 ~~shall not exceed the lesser of (i) one hundred thousand dollars or (ii)~~
13 ~~the tax liability for the eligible building in the tax year in which the~~
14 ~~tax abatement is taken.~~

15 (b) ~~The amount of such tax abatement for any tax year commencing on or~~
16 ~~after July first, two thousand fourteen and ending on or before June~~
17 ~~thirtieth, two thousand nineteen, shall be five dollars and twenty-three~~
18 ~~cents per square foot of a green roof pursuant to an approved applica-~~
19 ~~tion for tax abatement, provided, however, that the amount of such tax~~
20 ~~abatement shall not exceed the lesser of (i) two hundred thousand~~
21 ~~dollars or (ii) the tax liability for the eligible building in the tax~~
22 ~~year in which the tax abatement is taken.~~

23 (c) ~~Notwithstanding paragraph (b) of this subdivision, the aggregate~~
24 ~~amount of tax abatements allowed under this subdivision for the tax year~~
25 ~~commencing July first, two thousand fourteen and ending June thirtieth~~

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

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~~two thousand fifteen shall be a maximum of seven hundred fifty thousand dollars, and the aggregate amount of tax abatements allowed under this subdivision for any tax year commencing on or after July first, two thousand fifteen and ending on or before June thirtieth, two thousand nineteen shall be a maximum of one million dollars. No tax abatements shall be allowed under this subdivision for any tax year commencing on or after July first, two thousand nineteen.]~~ The amount of such tax abatement for any tax year commencing on or after July first, two thousand nineteen and ending on or before June thirtieth, two thousand thirty-one, shall be fifteen dollars per square foot of a green roof pursuant to an approved application for tax abatement; provided, however, that the amount of such tax abatement shall not exceed the lesser of (i) one million dollars or (ii) five times the tax liability for the eligible building recorded as of the tax year in which the tax abatement is taken.

(b) Such aggregate amount of tax abatements shall be allocated by the department of finance on a pro rata basis among applicants whose applications have been approved by a designated agency. If such allocation is not made prior to the date that the real property tax bill, statement of account or other similar bill or statement is prepared, then the department of finance shall, as necessary, after such allocation is made, submit an amended real property tax bill, statement of account or other similar bill or statement to any applicant whose abatement must be adjusted to reflect such allocation. Nothing in this paragraph shall be deemed to affect the obligation of any taxpayer under applicable law with respect to the payment of any installment of real property tax for the fiscal year as to which such allocation is made, which was due and payable prior to the date such amended real property tax bills are sent, and the department of finance shall be authorized to determine the date on which amended bills are to be sent and the installments of real property tax which are to be reflected therein.

2. Such tax abatement shall commence on July first following the approval of an application for tax abatement by a designated agency, and shall not exceed ~~[one year]~~ five years. The abatement should be structured to account for as much as seventy-five percent of any fiscal year's tax liability until the total abatement is exhausted.

3. With respect to any eligible building held in the condominium form of ownership that receive a tax abatement pursuant to this title, such tax abatement benefits shall be apportioned among all of the condominium tax lots within such eligible building.

4. If, as a result of application to the tax commission or a court order or action by the department of finance, the billable assessed value for the fiscal year in which the tax abatement is taken is reduced after the assessment roll becomes final, the department of finance shall recalculate the abatement so that the abatement granted shall not exceed the annual tax liability as so reduced. The amount equal to the difference between the abatement originally granted and the abatement as so recalculated shall be deducted from any refund otherwise payable or remission otherwise due as a result of such reduction in billable assessed value.

5. The abatement shall only be offered to buildings located within as many as three specifically designated New York city community districts, chosen by the New York city department of environmental protection. No building located outside of a designated area shall be eligible to receive an abatement. The New York city department of environmental protection shall select community districts on a rolling three year

1 basis. In selecting community districts, the New York city department of
2 environmental protection shall prioritize areas in the priority combined
3 sewage overflow tributary areas identified by the city, with particular
4 emphasis on those portions of the city that the New York city department
5 of environmental protection identifies as lacking green space.

6 § 2. This act shall take effect immediately.