

# STATE OF NEW YORK

7092--A

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, CRESPO, EICHENSTEIN, MOSLEY, REYES, CRUZ, BARRON, BLAKE, HEVESI, EPSTEIN, GLICK, FRONTUS, BENEDETTO, TAYLOR -- 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

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 section 61 of part A of chapter 20  
9 of the laws of 2015, are 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-  
16 sion; provided, however, that a property held in the condominium form of  
17 ownership that is receiving complete or partial real property tax  
18 exemption or tax abatement pursuant to any other provision of this chap-

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

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1 ter or any other state or local law, except as provided in paragraph (f)  
2 of this subdivision, shall not be eligible to receive a partial abate-  
3 ment pursuant to this section; and provided, further, that sponsors  
4 shall not be eligible to receive a partial abatement pursuant to this  
5 section; and provided, further, that in the fiscal years commencing in  
6 calendar years two thousand twelve[, ~~two thousand thirteen, two thousand~~  
7 ~~fourteen, two thousand fifteen, two thousand sixteen, two thousand~~  
8 ~~seventeen or two thousand eighteen~~] through two thousand twenty-one no  
9 more than a maximum of three dwelling units owned by any unit owner in a  
10 single building, one of which must be the primary residence of such unit  
11 owner, shall be eligible to receive a partial abatement pursuant to  
12 paragraphs (d-1), (d-2), (d-3) and (d-4) of this subdivision.

13 (b) In a city having a population of one million or more, dwelling  
14 units owned by tenant-stockholders who, as of the applicable taxable  
15 status date, own no more than three dwelling units in any one property  
16 held in the cooperative form of ownership, shall be eligible to receive  
17 a partial abatement of real property taxes, as set forth in paragraphs  
18 (c), (d), (d-1), (d-2), (d-3), (d-4), (d-5) and (d-6) of this subdivi-  
19 sion; provided, however, that a property held in the cooperative form of  
20 ownership that is receiving complete or partial real property tax  
21 exemption or tax abatement pursuant to any other provision of this chap-  
22 ter or any other state or local law, except as provided in paragraph (f)  
23 of this subdivision, shall not be eligible to receive a partial abate-  
24 ment pursuant to this section; and provided, further, that sponsors  
25 shall not be eligible to receive a partial abatement pursuant to this  
26 section; and provided, further, that in the fiscal years commencing in  
27 calendar years two thousand twelve[, ~~two thousand thirteen, two thousand~~  
28 ~~fourteen, two thousand fifteen, two thousand sixteen, two thousand~~  
29 ~~seventeen or two thousand eighteen~~] through two thousand twenty-one no  
30 more than a maximum of three dwelling units owned by any tenant-stock-  
31 holder in a single building, one of which must be the primary residence  
32 of such tenant-stockholder, shall be eligible to receive a partial  
33 abatement pursuant to paragraphs (d-1), (d-2), (d-3) and (d-4) of this  
34 subdivision. For purposes of this section, a tenant-stockholder of a  
35 cooperative apartment corporation shall be deemed to own the dwelling  
36 unit which is represented by his or her shares of stock in such corpo-  
37 ration. Any abatement so granted shall be credited by the appropriate  
38 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 section 62 of  
44 part A of chapter 20 of the laws of 2015, are amended to read as  
45 follows:

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

1 abatement of the real property taxes attributable to or due on such  
2 dwelling units of twenty-eight and one-tenth percent.

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

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

33 (d-4) In the fiscal years commencing in calendar years two thousand  
34 twelve[~~, two thousand thirteen, two thousand fourteen, two thousand~~  
35 ~~fifteen, two thousand sixteen, two thousand seventeen and two thousand~~  
36 ~~eighteen~~] through two thousand twenty-one, eligible dwelling units in  
37 property whose average unit assessed value is more than sixty thousand  
38 dollars shall receive a partial abatement of the real property taxes  
39 attributable to or due on such dwelling units of seventeen and one-half  
40 percent.

41 § 4. Paragraph (a) of subdivision 3 of section 467-a of the real prop-  
42 erty tax law, as amended by section 63 of part A of chapter 20 of the  
43 laws of 2015, is amended to read as follows:

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

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

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

56 § 6. This act shall take effect immediately.