

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:

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

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

§ 2. Paragraphs (a) and (b) of subdivision 2 of section 467-a of the real property tax law, as amended by section 61 of part A of chapter 20 of the laws of 2015, are amended to read as follows:

(a) In a city having a population of one million or more, dwelling units owned by unit owners who, as of the applicable taxable status date, own no more than three dwelling units in any one property held in the condominium form of ownership, shall be eligible to receive a partial abatement of real property taxes, as set forth in paragraphs (c), (d), (d-1), (d-2), (d-3), (d-4), (d-5) and (d-6) of this subdivision; provided, however, that a property held in the condominium form of ownership that is receiving complete or partial real property tax 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.