

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.