

STATE OF NEW YORK

5749

2019-2020 Regular Sessions

IN SENATE

May 14, 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, the administrative code of the city of New York and the real property law, in relation to classifying properties held in condominium and cooperative form for assessment purposes as class one-a properties; and to repeal certain provisions of the real property tax law relating thereto

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

1 Section 1. Subdivision 1 of section 1802 of the real property tax law,
2 as separately amended by chapters 123 and 529 of the laws of 1990, para-
3 graph class one as amended by chapter 332 of the laws of 2008, is
4 amended to read as follows:

5 1. All real property, for the purposes of this article, in a special
6 assessing unit shall be classified as follows:

7 Class one: (a) all one, two and three family residential real proper-
8 ty, including such dwellings used in part for nonresidential
9 purposes but which are used primarily for residential purposes,
10 except such property held in cooperative or condominium forms of
11 ownership other than (i) property defined in subparagraphs (b)
12 and (c) of this paragraph and (ii) property which contains no
13 more than three dwelling units held in condominium form of
14 ownership and which was classified within this class on a previ-
15 ous assessment roll; and provided that, notwithstanding the
16 provisions of paragraph (g) of subdivision twelve of section one
17 hundred two of this chapter, a mobile home or a trailer shall
18 not be classified within this class unless it is owner-occupied
19 and separately assessed; and (b) residential real property not
20 more than three stories in height held in condominium form of
21 ownership, provided that no dwelling unit therein previously was
22 on an assessment roll as a dwelling unit in other than condomin-

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

LBD07848-02-9

1 ium form of ownership; and (c) residential real property
2 consisting of one family house structures owned by the occupant,
3 situated on land held in cooperative ownership by owner occupi-
4 ers, provided that; (i) such house structures and land consti-
5 tuted bungalow colonies in existence prior to nineteen hundred
6 forty; and (ii) the land is held in cooperative ownership for
7 the sole purpose of maintaining one family residences for
8 members own use; and (d) all vacant land located within a
9 special assessing unit which is a city (i) other than such land
10 in the borough of Manhattan, provided that any such vacant land
11 which is not zoned residential must be situated immediately
12 adjacent to property improved with a residential structure as
13 defined in subparagraphs (a) and (b) of this paragraph, be owned
14 by the same owner as such immediately adjacent residential prop-
15 erty immediately prior to and since January 1, 1989, and have a
16 total area not exceeding 10,000 square feet; and (ii) located in
17 the borough of Manhattan north of or adjacent to the north side
18 of 110th street provided such vacant land was classified within
19 this class on the assessment roll with a taxable status date of
20 January 5, 2008 and the owner of such land has entered into a
21 recorded agreement with a governmental entity on or before
22 December 31, 2008 requiring construction of housing affordable
23 to persons or families of low income in accordance with the
24 provisions of the private housing finance law. Notwithstanding
25 the foregoing, such vacant land shall be classified according to
26 its use on the assessment roll with a taxable status date imme-
27 diately following commencement of construction, provided
28 further, that construction pursuant to an approved plan for
29 affordable housing shall commence no later than December 31,
30 2010; and (e) all vacant land located within a special assessing
31 unit which is not a city, provided that such vacant land which
32 is not zoned residential must be situated immediately adjacent
33 to real property defined in subparagraph (a), (b) or (c) of this
34 paragraph and be owned by the same person or persons who own the
35 real property defined in such subparagraph immediately prior to
36 and since January 1, 2003;

37 Class one-a: all other residential real property held in condominium
38 or cooperative form of ownership which is not designated as
39 class one; the department of finance of any city enacting a
40 local law pursuant to this section shall reclassify class one-a
41 properties used primarily to generate rental income to class
42 two. The department of finance of any city enacting a local law
43 pursuant to this section shall have, in addition to any other
44 functions, powers and duties which have been or may be conferred
45 on it by law, the power to make and promulgate rules to carry
46 out the purposes of this section including, but not limited to,
47 rules defining the class one-a properties primarily used to
48 generate rental income, and relating to the timing, form and
49 manner of any certification required to be submitted under this
50 section. If a property previously reclassified from class one-a
51 to class two ceases to be used primarily to generate rental
52 income, the department shall reclassify such property to class
53 one-a. The department shall use a five-year period when deter-
54 mining whether a property is used primarily to generate rental
55 income;

Class two: all other residential real property which is not designated as class one or class one-a, except hotels and motels and other similar commercial property;

Class three: utility real property and property subject to former section four hundred seventy of this chapter;

Class four: all other real property which is not designated as class one, class one-a, class two, or class three.

§ 1-a. The real property tax law is amended by adding a new section 1803-c to read as follows:

§ 1803-c. Calculation of shares. 1. For the calendar year two thousand eighteen, notwithstanding the provisions of sections eighteen hundred three, eighteen hundred three-a, and eighteen hundred three-b of this article to the contrary, the New York city commissioner of finance shall establish a new class one-a pursuant to subdivision one of section eighteen hundred two of this article and shall calculate shares for class one, class one-a, class two, class three and class four where the base year used in the calculation of the current base proportion shall be the 2017 assessment roll and the sum of class one-a and class two shall not exceed the prior year adjusted base proportion for such classes.

2. After two thousand nineteen, assessment rolls prepared according to January 1, 2021, the adjusted base proportions for class one and class one-a, shall not exceed each class' prior adjusted base proportion by more than five percent.

3. In a city having a population of one million or more, such city's tax fixing resolution shall set a tax rate for class one-a in the same manner as all class shares are calculated pursuant to sections eighteen hundred three, eighteen hundred three-a and eighteen hundred three-b of this article.

4. The assessment ratio for class one-a shall be six percent.

§ 2. Subdivision 1, paragraph (c) of subdivision 2 and subdivision 4 of section 307-a of the real property tax law, as added by section 1 of part G of chapter 63 of the laws of 2003, are amended to read as follows:

1. Generally. Notwithstanding any provision of any general, special or local law to the contrary, any city with a population of one million or more is hereby authorized and empowered to adopt and amend local laws in accordance with this section imposing an additional tax on certain class one and class one-a properties, as such properties are defined in section eighteen hundred two of this chapter, excluding vacant land.

(c) "Net real property tax" means the real property tax assessed on a class one or class one-a property after deduction for any exemption or abatement received pursuant to this chapter.

4. Property subject to additional tax. Such surcharge shall be imposed on class one and class one-a property, excluding vacant land, that provides rental income and is not the primary residence of the owner or owners of such class one or class one-a property, or the primary residence of the parent or child of such owner or owners.

§ 3. Paragraph (f) of subdivision 1 of section 467-a of the real property tax law, as added by chapter 273 of the laws of 1996, is amended and a new paragraph (i) is added to read as follows:

(f) "Property" means real property designated as class ~~[two]~~ one-a, pursuant to section eighteen hundred two of this chapter, held in the cooperative or condominium form of ownership.

(i) "Market value" shall be calculated by the New York city department of finance based upon comparable sales.

§ 4. Paragraphs (d-1), (d-2), (d-3) and (d-4) of subdivision 2 of section 467-a of the real property tax law, as amended by section 62 of part A of chapter 20 of the laws of 2015, are amended and seven new paragraphs (d-7), (d-8), (d-9), (d-10), (d-11), (d-12) and (d-13) are added to read as follows:

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

(d-2) In the fiscal years commencing in calendar years two thousand twelve, two thousand thirteen and two thousand fourteen, eligible dwelling units in property whose average unit assessed value is more than fifty thousand dollars, but less than or equal to fifty-five thousand dollars, shall receive a partial abatement of the real property taxes attributable to or due on such dwelling units of twenty-two and one-half percent, twenty-three and eight-tenths percent and twenty-five and two-tenths percent respectively. In the fiscal years commencing in calendar years two thousand fifteen~~[, and two thousand sixteen[, two thousand seventeen and two thousand eighteen]~~ eligible dwelling units in property whose average unit assessed value is more than fifty thousand dollars, but less than or equal to fifty-five thousand dollars, shall receive a partial abatement of the real property taxes attributable to or due on such dwelling units of twenty-five and two-tenths percent.

(d-3) In the fiscal years commencing in calendar years two thousand twelve, two thousand thirteen and two thousand fourteen, eligible dwelling units in property whose average unit assessed value is more than fifty-five thousand dollars, but less than or equal to sixty thousand dollars, shall receive a partial abatement of the real property taxes attributable to or due on such dwelling units of twenty percent, twenty-one and two-tenths percent, and twenty-two and five-tenths percent respectively. In the fiscal years commencing in calendar years two thousand fifteen~~[, and two thousand sixteen[, two thousand seventeen and two thousand eighteen]~~ eligible dwelling units in property whose average unit assessed value is more than fifty-five thousand dollars, but less than or equal to sixty thousand dollars, shall receive a partial abatement of the real property taxes attributable to or due on such dwelling units of twenty-two and five-tenths percent.

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

(d-7) Eligible dwelling units in property whose average unit market value is less than or equal to six hundred fifty thousand dollars shall receive a partial abatement of real property taxes attributable to or

1 due on such dwelling units, not to exceed thirty-three percent in the
2 fiscal year commencing in calendar year two thousand twenty and there-
3 after.

4 (d-8) Eligible dwelling units in property whose average unit market
5 value is between six hundred fifty thousand one dollars to seven hundred
6 fifty thousand dollars shall receive a partial abatement of the real
7 property taxes attributable to or due on such dwelling units, not to
8 exceed twenty-two and five-tenths percent in the fiscal year commencing
9 in calendar year two thousand twenty and thereafter.

10 (d-9) Eligible dwelling units in property whose average unit market
11 value is between seven hundred fifty thousand one and one million five
12 hundred thousand dollars shall receive a partial abatement of the real
13 property taxes attributable to or due on such dwelling units, not to
14 exceed seventeen and five-tenths percent in the fiscal year commencing
15 in calendar year two thousand twenty and thereafter.

16 (d-10) Eligible dwelling units in property whose average unit market
17 value is between one million five hundred thousand one dollars and two
18 million six hundred sixty-six thousand six hundred sixty-seven dollars
19 shall receive a partial abatement of the real property taxes attribut-
20 able to or due on such dwelling units, not to exceed thirteen and thir-
21 teen-hundredths percent in the fiscal year commencing in calendar year
22 two thousand twenty and thereafter.

23 (d-11) Eligible dwelling units in property whose average unit market
24 value is between two million six hundred sixty-six thousand six hundred
25 sixty-eight dollars and three million eight hundred thirty-three thou-
26 sand three hundred thirty-three dollars shall receive a partial abate-
27 ment of the real property taxes attributable to or due on such dwelling
28 units, not to exceed eight and seventy-five hundredth percent in the
29 fiscal year commencing in calendar year two thousand twenty and there-
30 after.

31 (d-12) Eligible dwelling units in property whose average unit market
32 value is between three million eight hundred thirty-three thousand three
33 hundred thirty-four dollars and five million dollars shall receive a
34 partial abatement of the real property taxes attributable to or due on
35 such dwelling units, not to exceed four and thirty-eight hundredths
36 percent in the fiscal year commencing in calendar year two thousand
37 twenty and thereafter.

38 (d-13) Eligible dwelling units in property whose average unit market
39 value is five million dollars or more shall receive a partial abatement
40 of the real property taxes attributable to or due on such dwelling
41 units, not to exceed zero percent in the fiscal year commencing in
42 calendar year two thousand twenty and thereafter.

43 § 4-a. The real property tax law is amended by adding a new section
44 467-a-1 to read as follows:

45 § 467-a-1. Enhanced partial abatement for certain condominiums and
46 cooperative residences. 1. In addition to the partial abatement received
47 pursuant to section four hundred sixty-seven-a of this article, in the
48 fiscal year commencing in calendar year two thousand twenty, eligible
49 units in property whose average unit market value is less than six
50 hundred fifty thousand dollars shall receive an enhanced abatement equal
51 to the excess above two percent of the difference between the prior
52 year's property tax and the current year's property tax.

53 2. In addition to the partial abatement received pursuant to section
54 four hundred sixty-seven-a of this article, in the fiscal year commenc-
55 ing in calendar year two thousand twenty-one, eligible units in property
56 whose average unit market value is less than six hundred fifty thousand

dollars shall receive an enhanced abatement equal to the excess above four percent of the difference between the prior year's property tax and the current year's property tax.

3. In addition to the partial abatement received pursuant to section four hundred sixty-seven-a of this article, in the fiscal year commencing in calendar year two thousand twenty-two and thereafter, eligible units in property whose average unit market value is less than six hundred fifty thousand dollars shall receive an enhanced abatement equal to the excess above six percent of the difference between the prior year's property tax and the current year's property tax. The enhanced condominium and cooperative abatement shall not be eligible for units where the commissioner determines that renovation or construction within the unit or building has produced a substantial yearly increase in the unit's assessed value.

§ 5. Subdivision 7 of section 499-aaa of the real property tax law, as added by chapter 461 of the laws of 2008, is amended to read as follows:

7. "Eligible building" shall mean a class one, class one-a, class two or class four real property, as defined in subdivision one of section eighteen hundred two of this chapter, located within a city having a population of one million or more persons. No building shall be eligible for more than one tax abatement pursuant to this title.

§ 6. Subdivision 7 of section 499-aaaa of the real property tax law, as added by chapter 473 of the laws of 2008, is amended to read as follows:

7. "Eligible building" shall mean a class one, class one-a, class two or class four real property, as defined in subdivision one of section eighteen hundred two of this chapter, located within a city having a population of one million or more persons. No building shall be eligible for more than one tax abatement pursuant to this title.

§ 7. Paragraph (b) of subdivision 3 of section 522 of the real property tax law, as added by chapter 714 of the laws of 1982, is amended to read as follows:

(b) in a special assessing unit, the determination, pursuant to section eighteen hundred two of this chapter, of whether real property is included in class one, one-a, two, three or four.

§ 8. Subdivision 10 of section 523-b of the real property tax law, as added by chapter 593 of the laws of 1998, is amended to read as follows:

10. On or before April first, each year the commission shall mail to each applicant, who has filed an application for the correction of the assessment, a notice of the commission's determination of such applicant's assessment. Such notice shall also contain the statement as to the final determination of the assessment review commission, or a statement that the commission has not yet made a determination as to the final assessed valuation which shall be made as soon as the petitioners application is reviewed or heard. If the applicants property is a property defined in subdivision one of section eighteen hundred two of this chapter as "Class 1", the commissions determination shall contain the statement: "If you are dissatisfied with the determination of the Assessment Review Commission and you are the owner of a one, two or three family residential structure or residential real property not more than three stories in height held in condominium form of ownership, provided that no dwelling unit therein previously was on an assessment roll as a dwelling unit in other than condominium form of ownership, and you reside at such residence, you may seek judicial review of your assessment either under title one of article seven of the real property tax law or under small claims assessment review law provided by title

one-A of article seven of the real property tax law." Such notice shall also state that the last date to file petitions for judicial review and the location where small claims assessment review petitions may be obtained.

Each applicant that has filed an application of a property as defined in subdivision one of section eighteen hundred two of this chapter as "Class 1-a", "Class 2", "Class 3" or "Class 4", shall receive a notice as to the final determination of the assessment review commission or a statement that the commission has not yet made a determination as to the final assessed valuation which shall be made as soon as the petitioners application is reviewed or heard. Such applicants determinations shall contain the statement: "If you are dissatisfied with the determination of the Assessment Review Commission you may seek judicial review of your assessment under title one of article seven of the real property tax law." Such notice shall also state the last date to file petitions for judicial review. A final determination when rendered shall contain the same statement. Failure to mail any such notice or failure of the applicant to receive the same shall not affect the validity of the assessment.

§ 9. Paragraph (b) of subdivision 3 of section 701 of the real property tax law, as added by chapter 714 of the laws of 1982, is amended to read as follows:

(b) In a special assessing unit, the determination, pursuant to section eighteen hundred two of this chapter, of whether real property is included in class one, one-a, two, three or four.

§ 10. Subparagraph 2 of paragraph (a) of subdivision 3 of section 720 of the real property tax law, as amended by chapter 679 of the laws of 1986, is amended to read as follows:

(2) "Major type of property" in special assessing units, for assessments on rolls completed after December thirty-first, nineteen hundred eighty-one, shall mean classes one, one-a, two, three and four as defined in subdivision one of section eighteen hundred two of this chapter.

§ 11. The opening paragraph of subdivision 1 of section 1805 of the real property tax law, as amended by chapter 935 of the laws of 1984, is amended and two new subdivisions 1-a and 1-b are added to read as follows:

The assessor of any special assessing unit shall not increase the assessment of any individual parcel classified in class one or class one-a in any one year, as measured from the assessment on the previous year's assessment roll, by more than six percent and shall not increase such assessment by more than twenty percent in any five-year period. The first such five-year period shall be measured from the individual assessment appearing on the assessment roll completed in nineteen hundred eighty; provided that if such parcel would not have been subject to the provisions of this subdivision in nineteen hundred eighty had this subdivision then been in effect, the first such five-year period shall be measured from the first year after nineteen hundred eighty in which this subdivision applied to such parcel or would have applied to such parcel had this subdivision been in effect in such year.

1-a. Assessment rolls computed for class one-a shall include any outstanding phased-in increases accrued prior to the effective date of the chapter of the laws of two thousand nineteen which added this subdivision pursuant to subdivision three of this section.

1-b. Class one-a parcels shall be assessed in a method comparable to class one parcels.

§ 12. Subdivisions e and f of section 11-208.1 of the administrative code of the city of New York, subdivision e as amended by local law number 41 of the city of New York for the year 1986 and subdivision f as amended by chapter 385 of the laws of 2006, are amended to read as follows:

e. As used in this section, the term "income-producing property" means property owned for the purpose of securing an income from the property itself, but shall not include property with an assessed value of forty thousand dollars or less, or residential property containing ten or fewer dwelling units or property classified in class one, one-a or two as defined in article eighteen of the real property tax law containing six or fewer dwelling units and one retail store.

f. Except in accordance with proper judicial order or as otherwise provided by law, it shall be unlawful for the commissioner, any officer or employee of the department, the president or a commissioner or employee of the tax commission, any person engaged or retained by the department or the tax commission on an independent contract basis, or any person, who, pursuant to this section, is permitted to inspect any income and expense statement or to whom a copy, an abstract or a portion of any such statement is furnished, to divulge or make known in any manner except as provided in this subdivision, the amount of income and/or expense or any particulars set forth or disclosed in any such statement required under this section. The commissioner, the president of the tax commission, or any commissioner or officer or employee of the department or the tax commission charged with the custody of such statements shall not be required to produce any income and expense statement or evidence of anything contained in them in any action or proceeding in any court, except on behalf of the department or the tax commission. Nothing herein shall be construed to prohibit the delivery to an owner or his or her duly authorized representative of a certified copy of any statement filed by such owner pursuant to this section or to prohibit the publication of statistics so classified as to prevent the identification of particular statements and the items thereof, or making known aggregate income and expense information disclosed with respect to property classified as class four as defined in article eighteen of the real property tax law without identifying information about individual leases, or making known a range as determined by the commissioner within which the income and expenses of a property classified as class one-a or class two falls, or the inspection by the legal representatives of the department or of the tax commission of the statement of any owner who shall bring an action to correct the assessment. Any violation of the provisions of this subdivision shall be punished by a fine not exceeding one thousand dollars or by imprisonment not exceeding one year, or both, at the discretion of the court, and if the offender be an officer or employee of the department or the tax commission, the offender shall be dismissed from office.

§ 13. Subdivision a of section 11-238 of the administrative code of the city of New York, as amended by local law number 27 of the city of New York for the year 2006, is amended to read as follows:

a. Imposition of surcharge. A real property tax surcharge is hereby imposed on class one and class one-a property, as defined in section eighteen hundred two of the real property tax law, excluding vacant land, that provides rental income and is not the primary residence of the owner or owners of such class one or class one-a property, or the primary residence of the parent or child of such owner or owners, in an amount equal to zero percent of the net real property taxes for fiscal

1 years beginning on or after July first, two thousand six. As used in
2 this section, "net real property tax" means the real property tax
3 assessed on class one property after deduction for any exemption or
4 abatement received pursuant to the real property tax law or this title.

5 § 14. Subdivisions a, a-1, a-2, a-3, a-4 and a-5 of section 11-319 of
6 the administrative code of the city of New York, subdivisions a, a-1,
7 a-2 and a-3 as amended, subdivision a-5 as added by local law number 15
8 of the city of New York for the year 2011 and subdivision a-4 as amended
9 by local law number 4 of the city of New York for the year 2017, are
10 amended to read as follows:

11 a. A tax lien or tax liens on a property or any component of the
12 amount thereof may be sold by the city as authorized by subdivision b of
13 this section, when such tax lien or tax liens shall have remained unpaid
14 in whole or in part for one year, provided, however, that a tax lien or
15 tax liens on any class one property or on class ~~[two]~~ **one-a** property
16 ~~[that is a residential condominium or residential cooperative]~~, as such
17 classes of property are defined in subdivision one of section eighteen
18 hundred two of the real property tax law, may be sold by the city only
19 when the real property tax component of such tax lien or tax liens shall
20 have remained unpaid in whole or in part for three years or, in the case
21 of any class two residential property owned by a company organized
22 pursuant to article XI of the state private housing finance law ~~[that is~~
23 ~~not a residential condominium or a residential cooperative]~~, as such
24 class of property is defined in subdivision one of section eighteen
25 hundred two of the real property tax law, for two years, and equals or
26 exceeds the sum of five thousand dollars or, in the case of abandoned
27 class one property or abandoned class ~~[two]~~ **one-a** property ~~[that is a~~
28 ~~residential condominium or residential cooperative]~~, for eighteen
29 months, and after such sale, shall be transferred, in the manner
30 provided by this chapter, and provided, further, however, that (i) the
31 real property tax component of such tax lien may not be sold pursuant to
32 this subdivision on any residential real property in class one that is
33 receiving an exemption pursuant to section 11-245.3 or 11-245.4 of this
34 title, or pursuant to section four hundred fifty-eight of the real prop-
35 erty tax law with respect to real property purchased with payments
36 received as prisoner of war compensation from the United States govern-
37 ment, or pursuant to paragraph (b) or (c) of subdivision two of section
38 four hundred fifty-eight-a of the real property tax law, or where the
39 owner of such residential real property in class one is receiving bene-
40 fits in accordance with department of finance memorandum 05-3, or any
41 successor memorandum thereto, relating to active duty military person-
42 nel, or where the owner of such residential real property in class one
43 has been allowed a credit pursuant to subsection (e) of section six
44 hundred six of the tax law for the calendar year in which the date of
45 the first publication, pursuant to subdivision a of section 11-320 of
46 this chapter, of the notice of sale, occurs or for the calendar year
47 immediately preceding such date and (ii) the sewer rents component,
48 sewer surcharges component or water rents component of such tax lien may
49 not be sold pursuant to this subdivision on any one family residential
50 real property in class one or on any two or three family residential
51 real property in class one that is receiving an exemption pursuant to
52 section 11-245.3 or 11-245.4 of this title, or pursuant to section four
53 hundred fifty-eight of the real property tax law with respect to real
54 property purchased with payments received as prisoner of war compen-
55 sation from the United States government, or pursuant to paragraph (b)
56 or (c) of subdivision two of section four hundred fifty-eight-a of the

1 real property tax law, or where the owner of any two or three family
2 residential real property in class one is receiving benefits in accord-
3 ance with department of finance memorandum 05-3, or any successor memo-
4 randum thereto, relating to active duty military personnel, or where the
5 owner of any two or three family residential real property in class one
6 has been allowed a credit pursuant to subsection (e) of section six
7 hundred six of the tax law for the calendar year in which the date of
8 the first publication, pursuant to subdivision a of section 11-320 of
9 this chapter, of the notice of sale, occurs or for the calendar year
10 immediately preceding such date. A tax lien or tax liens on any property
11 classified as a class two property, except [~~a class two property that is~~
12 ~~a residential condominium or residential cooperative, or~~] a class two
13 residential property owned by a company organized pursuant to article XI
14 of the state private housing finance law [~~that is not a residential~~
15 ~~condominium or a residential cooperative~~], or class three property, as
16 such classes of property are defined in subdivision one of section eigh-
17 teen hundred two of the real property tax law, shall not be sold by the
18 city unless such tax lien or tax liens include a real property tax
19 component as of the date of the first publication, pursuant to subdivi-
20 sion a of section 11-320 of this chapter, of the notice of sale.
21 Notwithstanding any provision of this subdivision to the contrary, any
22 such tax lien or tax liens that remain unpaid in whole or in part after
23 such date may be sold regardless of whether such tax lien or tax liens
24 include a real property tax component. A tax lien or tax liens on a
25 property classified as a class four property, as such class of property
26 is defined in subdivision one of section eighteen hundred two of the
27 real property tax law, shall not be sold by the city unless such tax
28 lien or tax liens include a real property tax component or sewer rents
29 component or sewer surcharges component or water rents component or
30 emergency repair charges component, where such emergency repair charges
31 accrued on or after January first, two thousand six and are made a lien
32 pursuant to section 27-2144 of this code, as of the date of the first
33 publication, pursuant to subdivision a of section 11-320 of this chap-
34 ter, of the notice of sale, provided, however, that any tax lien or tax
35 liens that remain unpaid in whole or in part after such date may be sold
36 regardless of whether such tax lien or tax liens include a real property
37 tax component, sewer rents component, sewer surcharges component, water
38 rents component or emergency repair charges component. For purposes of
39 this subdivision, the words "real property tax" shall not include an
40 assessment or charge upon property imposed pursuant to section 25-411 of
41 the administrative code. A sale of a tax lien or tax liens shall
42 include, in addition to such lien or liens that have remained unpaid in
43 whole or in part for one year, or, in the case of any class one property
44 or class [~~two~~] ~~one-a~~ property [~~that is a residential condominium or~~
45 ~~residential cooperative~~], when the real property tax component of such
46 lien or liens has remained unpaid in whole or in part for three years,
47 or, in the case of any class two residential property owned by a company
48 organized pursuant to article XI of the state private housing finance
49 law [~~that is not a residential condominium or a residential cooper-~~
50 ~~ative~~], when the real property tax component of such lien or liens has
51 remained unpaid in whole or in part for two years, and equals or exceeds
52 the sum of five thousand dollars, any taxes, assessments, sewer rents,
53 sewer surcharges, water rents, any other charges that are made a lien
54 subject to the provisions of this chapter, the costs of any advertise-
55 ments and notices given pursuant to this chapter, any other charges that
56 are due and payable, a surcharge pursuant to section 11-332 of this

chapter, and interest and penalties thereon or such component of the amount thereof as shall be determined by the commissioner of finance. The commissioner of finance may promulgate rules defining "abandoned" property, as such term is used in this subdivision.

a-1. A subsequent tax lien or tax liens on a property or any component of the amount thereof may be sold by the city pursuant to this chapter, provided, however, that notwithstanding any provision in this chapter to the contrary, such tax lien or tax liens may be sold regardless of whether such tax lien or tax liens have remained unpaid in whole or in part for one year and, notwithstanding any provision in this chapter to the contrary, in the case of any class one property or class ~~two~~ one-a property ~~[that is a residential condominium or residential cooperative]~~ or, beginning January first, two thousand twelve, in the case of any class two residential property owned by a company organized pursuant to article XI of the state private housing finance law ~~[that is not a residential condominium or a residential cooperative]~~, such tax lien or tax liens may be sold if the real property tax component of such tax lien or tax liens has remained unpaid in whole or in part for one year, and provided, further, however, that (i) the real property tax component of such tax lien may not be sold pursuant to this subdivision on any residential real property in class one that is receiving an exemption pursuant to section 11-245.3 or 11-245.4 of this title, or pursuant to section four hundred fifty-eight of the real property tax law with respect to real property purchased with payments received as prisoner of war compensation from the United States government, or pursuant to paragraph (b) or (c) of subdivision two of section four hundred fifty-eight-a of the real property tax law, or where the owner of such residential real property in class one is receiving benefits in accordance with department of finance memorandum 05-3, or any successor memorandum thereto, relating to active duty military personnel, or where the owner of such residential real property in class one has been allowed a credit pursuant to subsection (e) of section six hundred six of the tax law for the calendar year in which the date of the first publication, pursuant to subdivision a of section 11-320 of this chapter, of the notice of sale, occurs or for the calendar year immediately preceding such date and (ii) the sewer rents component, sewer surcharges component or water rents component of such tax lien may not be sold pursuant to this subdivision on any one family residential real property in class one or on any two or three family residential real property in class one that is receiving an exemption pursuant to section 11-245.3 or 11-245.4 of this title, or pursuant to section four hundred fifty-eight of the real property tax law with respect to real property purchased with payments received as prisoner of war compensation from the United States government, or pursuant to paragraph (b) or (c) of subdivision two of section four hundred fifty-eight-a of the real property tax law, or where the owner of any two or three family residential real property in class one is receiving benefits in accordance with department of finance memorandum 05-3, or any successor memorandum thereto, relating to active duty military personnel, or where the owner of any two or three family residential real property in class one has been allowed a credit pursuant to subsection (e) of section six hundred six of the tax law for the calendar year in which the date of the first publication, pursuant to subdivision a of section 11-320 of this chapter, of the notice of sale, occurs or for the calendar year immediately preceding such date. For purposes of this subdivision, the term "subsequent tax lien or tax liens" shall mean any tax lien or tax liens on property that become such

1 on or after the date of sale of any tax lien or tax liens on such prop-
2 erty that have been sold pursuant to this chapter, provided that the
3 prior tax lien or tax liens remain unpaid as of the date of the first
4 publication, pursuant to subdivision a of section 11-320 of this chap-
5 ter, of the notice of sale of the subsequent tax lien or tax liens. A
6 subsequent tax lien or tax liens on any property classified as a class
7 two property, except [~~a class two property that is a residential condo-~~
8 ~~minium or residential cooperative, or~~] a class two residential property
9 owned by a company organized pursuant to article XI of the state private
10 housing finance law [~~that is not a residential condominium or a residen-~~
11 ~~tial cooperative~~], or class three property, as such classes of property
12 are defined in subdivision one of section eighteen hundred two of the
13 real property tax law, shall not be sold by the city unless such tax
14 lien or tax liens include a real property tax component as of the date
15 of the first publication, pursuant to subdivision a of section 11-320 of
16 this chapter, of the notice of sale. Notwithstanding any provision of
17 this subdivision to the contrary, any such tax lien or tax liens that
18 remain unpaid in whole or in part after such date may be sold regardless
19 of whether such tax lien or tax liens include a real property tax compo-
20 nent. A subsequent tax lien or tax liens on a property classified as a
21 class four property, as such class of property is defined in subdivision
22 one of section eighteen hundred two of the real property tax law, shall
23 not be sold by the city unless such tax lien or tax liens include a real
24 property tax component or sewer rents component or sewer surcharges
25 component or water rents component or emergency repair charges compo-
26 nent, where such emergency repair charges accrued on or after January
27 first, two thousand six and are made a lien pursuant to section 27-2144
28 of this code, as of the date of the first publication, pursuant to
29 subdivision a of section 11-320 of this chapter, of the notice of sale,
30 provided, however, that any tax lien or tax liens that remain unpaid in
31 whole or in part after such date may be sold regardless of whether such
32 tax lien or tax liens include a real property tax component, sewer rents
33 component, sewer surcharges component, water rents component or emergen-
34 cy repair charges component. For purposes of this subdivision, the words
35 "real property tax" shall not include an assessment or charge upon prop-
36 erty imposed pursuant to section 25-411 of the administrative code.
37 Nothing in this subdivision shall be deemed to limit the rights
38 conferred by section 11-332 of this chapter on the holder of a tax lien
39 certificate with respect to a subsequent tax lien.

40 a-2. In addition to any sale authorized pursuant to subdivision a or
41 subdivision a-1 of this section and notwithstanding any provision of
42 this chapter to the contrary, beginning on December first, two thousand
43 seven, the water rents, sewer rents and sewer surcharges components of
44 any tax lien on any class of real property, as such real property is
45 classified in subdivision one of section eighteen hundred two of the
46 real property tax law, may be sold by the city pursuant to this chapter,
47 where such water rents, sewer rents or sewer surcharges component of
48 such tax lien, as of the date of the first publication, pursuant to
49 subdivision a of section 11-320 of this chapter, of the notice of sale:
50 (i) shall have remained unpaid in whole or in part for one year and (ii)
51 equals or exceeds the sum of one thousand dollars or, beginning on March
52 first, two thousand eleven, in the case of any two or three family resi-
53 dential real property in class one, for one year, and equals or exceeds
54 the sum of two thousand dollars, or, beginning on January first, two
55 thousand twelve, in the case of any class two residential property owned
56 by a company organized pursuant to article XI of the state private hous-

ing finance law [~~that is not a residential condominium or a residential cooperative~~], as such class of property is defined in subdivision one of section eighteen hundred two of the real property tax law, for two years, and equals to exceeds the sum of five thousand dollars; provided, however, that such water rents, sewer rents or sewer surcharges component of such tax lien may not be sold pursuant to this subdivision on any one family residential real property in class one or on any two or three family residential real property in class one that is receiving an exemption pursuant to section 11-245.3 or 11-245.4 of this title, or pursuant to section four hundred fifty-eight of the real property tax law with respect to real property purchased with payments received as prisoner of war compensation from the United States government, or pursuant to paragraph (b) or (c) of subdivision two of section four hundred fifty-eight-a of the real property tax law, or where the owner of any two or three family residential real property in class one is receiving benefits in accordance with department of finance memorandum 05-3, or any successor memorandum thereto, relating to active duty military personnel, or where the owner of any two or three family residential real property in class one has been allowed a credit pursuant to subsection (e) of section six hundred six of the tax law for the calendar year in which the date of the first publication, pursuant to subdivision a of section 11-320 of this chapter, of the notice of sale, occurs or for the calendar year immediately preceding such date. After such sale, any such water rents, sewer rents or sewer surcharges component of such tax lien may be transferred in the manner provided by this chapter.

a-3. In addition to any sale authorized pursuant to subdivision a or subdivision a-1 of this section and notwithstanding any provision of this chapter to the contrary, beginning on December first, two thousand seven, a subsequent tax lien on any class of real property, as such real property is classified in subdivision one of section eighteen hundred two of the real property tax law, may be sold by the city pursuant to this chapter, regardless of whether such subsequent tax lien, or any component of the amount thereof, shall have remained unpaid in whole or in part for one year, and regardless of whether such subsequent tax lien, or any component of the amount thereof, equals or exceeds the sum of one thousand dollars or beginning on March first, two thousand eleven, in the case of any two or three family residential real property in class one, a subsequent tax lien on such property may be sold by the city pursuant to this chapter, regardless of whether such subsequent tax lien, or any component of the amount thereof, shall have remained unpaid in whole or in part for one year, and regardless of whether such subsequent tax lien, or any component of the amount thereof, equals or exceeds the sum of two thousand dollars, or, beginning on January first, two thousand twelve, in the case of any class two residential property owned by a company organized pursuant to article XI of the state private housing finance law [~~that is not a residential condominium or a residential cooperative~~], as such class of property is defined in subdivision one of section eighteen hundred two of the real property tax law, a subsequent tax lien on such property may be sold by the city pursuant to this chapter, regardless of whether such subsequent tax lien, or any component of the amount thereof, shall have remained unpaid in whole or in part for two years, and regardless of whether such subsequent tax lien, or any component of the amount thereof, equals or exceeds the sum of five thousand dollars; provided, however, that such subsequent tax lien may not be sold pursuant to this subdivision on any one family

1 residential real property in class one or on any two or three family
2 residential real property in class one that is receiving an exemption
3 pursuant to section 11-245.3 or 11-245.4 of this title, or pursuant to
4 section four hundred fifty-eight of the real property tax law with
5 respect to real property purchased with payments received as prisoner of
6 war compensation from the United States government, or pursuant to para-
7 graph (b) or (c) of subdivision two of section four hundred
8 fifty-eight-a of the real property tax law, or where the owner of any
9 two or three family residential real property in class one is receiving
10 benefits in accordance with department of finance memorandum 05-3, or
11 any successor memorandum thereto, relating to active duty military
12 personnel, or where the owner of any two or three family residential
13 real property in class one has been allowed a credit pursuant to
14 subsection (e) of section six hundred six of the tax law for the calen-
15 dar year in which the date of the first publication, pursuant to subdi-
16 vision a of section 11-320 of this chapter, of the notice of sale,
17 occurs or for the calendar year immediately preceding such date. After
18 such sale, any such subsequent tax lien, or any component of the amount
19 thereof, may be transferred in the manner provided by this chapter. For
20 purposes of this subdivision, the term "subsequent tax lien" shall mean
21 the water rents, sewer rents or sewer surcharges component of any tax
22 lien on property that becomes such on or after the date of sale of any
23 water rents, sewer rents or sewer surcharges component of any tax lien
24 on such property that has been sold pursuant to this chapter, provided
25 that the prior tax lien remains unpaid as of the date of the first
26 publication, pursuant to subdivision a of section 11-320 of this chap-
27 ter, of the notice of sale of the subsequent tax lien. Nothing in this
28 subdivision shall be deemed to limit the rights conferred by section
29 11-332 of this chapter on the holder of a tax lien certificate with
30 respect to a subsequent tax lien.

31 a-4. In addition to any sale authorized pursuant to subdivision a,
32 a-1, a-2 or a-3 of this section and notwithstanding any provision of
33 this chapter to the contrary, beginning on March first, two thousand
34 eleven, the emergency repair charges component or alternative enforce-
35 ment expenses and fees component, where such emergency repair charges
36 accrued on or after January first, two thousand six and are made a lien
37 pursuant to section 27-2144 of this code, or where such alternative
38 enforcement expenses and fees are made a lien pursuant to section
39 27-2153 of this code, of any tax lien on any class of real property, as
40 such real property is defined in subdivision one of section eighteen
41 hundred two of the real property tax law, may be sold by the city pursu-
42 ant to this chapter, where such emergency repair charges component or
43 alternative enforcement expenses and fees component of such tax lien, as
44 of the date of the first publication, pursuant to subdivision a of
45 section 11-320 of this chapter, of the notice of sale: (i) shall have
46 remained unpaid in whole or in part for one year, and (ii) equals or
47 exceeds the sum of one thousand dollars or, beginning on January first,
48 two thousand twelve, in the case of any class two residential property
49 owned by a company organized pursuant to article XI of the state private
50 housing finance law [~~that is not a residential condominium or a residen-~~
51 ~~tial cooperative~~], as such class of property is defined in subdivision
52 one of section eighteen hundred two of the real property tax law, for
53 two years, and equals or exceeds the sum of five thousand dollars;
54 provided, however, that such emergency repair charges component or
55 alternative enforcement expenses and fees component of such tax lien may
56 only be sold pursuant to this subdivision on any one, two or three fami-

1 ly residential real property in class one, where such one, two or three
2 family residential property in class one is not the primary residence of
3 the owner. After such sale, any such emergency repair charges component
4 or alternative enforcement expenses and fees component of such tax lien
5 may be transferred in the manner provided by this chapter.

6 a-5. In addition to any sale authorized pursuant to subdivision a,
7 a-1, a-2 or a-3 of this section and notwithstanding any provision of
8 this chapter to the contrary, beginning on March first, two thousand
9 eleven, a subsequent tax lien on any class of real property, or begin-
10 ning on January first, two thousand twelve in the case of any class two
11 residential property owned by a company organized pursuant to article XI
12 of the state private housing finance law [~~that is not a residential~~
13 ~~condominium or a residential cooperative~~], a subsequent tax lien on such
14 property, may be sold by the city pursuant to this chapter, regardless
15 of the length of time such subsequent tax lien, or any component of the
16 amount thereof, shall have remained unpaid, and regardless of the amount
17 of such subsequent tax lien. After such sale, any such subsequent tax
18 lien, or any component of the amount thereof, may be transferred in the
19 manner provided by this chapter. For purposes of this subdivision, the
20 term "subsequent tax lien" shall mean the emergency repair charges
21 component or alternative enforcement expenses and fees component, where
22 such emergency repair charges accrued on or after January first, two
23 thousand six and are made a lien pursuant to section 27-2144 of this
24 code, or where such alternative enforcement expenses and fees are made a
25 lien pursuant to section 27-2153 of this code, of any tax lien on prop-
26 erty that becomes such on or after the date of sale of any emergency
27 repair charges component or alternative enforcement expenses and fees
28 component, of any tax lien on such property that has been sold pursuant
29 to this chapter, provided that the prior tax lien remains unpaid as of
30 the date of the first publication, pursuant to subdivision a of section
31 11-320 of this chapter, of the notice of sale of the subsequent tax
32 lien. Nothing in this subdivision shall be deemed to limit the rights
33 conferred by section 11-332 of this chapter on the holder of a tax lien
34 certificate with respect to a subsequent tax lien.

35 § 15. Subparagraph (i) of paragraph 2 of subdivision b and subpara-
36 graph (ii) of paragraph 1 of subdivision h of section 11-320 of the
37 administrative code of the city of New York, subparagraph (i) of para-
38 graph 2 of subdivision b as amended by local law number 147 of the city
39 of New York for the year 2013 and subparagraph (ii) of paragraph 1 of
40 subdivision h as added by local law number 15 of the city of New York
41 for the year 2011, are amended to read as follows:

42 (i) Such notices shall also include, with respect to any property
43 owner in class one, class one-a or class two, as such classes of proper-
44 ty are defined in subdivision one of section eighteen hundred two of the
45 real property tax law, an exemption eligibility checklist. The exemption
46 eligibility checklist shall also be posted on the website of the depart-
47 ment no later than the first business day after March fifteenth of every
48 year prior to the date of sale, and shall continue to be posted on such
49 website until ten days prior to the date of sale. Within ten business
50 days of receipt of a completed exemption eligibility checklist from such
51 property owner, provided that such receipt occurs prior to the date of
52 sale of any tax lien or tax liens on his or her property, the department
53 of finance shall review such checklist to determine, based on the infor-
54 mation provided by the property owner, whether such property owner could
55 be eligible for any exemption, credit or other benefit that would enti-
56 tle them to be excluded from a tax lien sale and, if the department

determines that such property owner could be eligible for any such exemption, credit or other benefit, shall mail such property owner an application for the appropriate exemption, credit or other benefit. If, within twenty business days of the date the department mailed such application, the department has not received a completed application from such property owner, the department shall mail such property owner a second application, and shall telephone the property owner, if the property owner has included his or her telephone number on the exemption eligibility checklist.

(ii) all class two residential property owned by a company organized pursuant to article XI of the state private housing finance law [~~that is not a residential condominium or a residential cooperative~~] on which any tax lien has been sold pursuant to subdivision a, a-2 or a-4 of section 11-319 of this title.

§ 16. Subdivision (a) of section 11-354 of the administrative code of the city of New York, as amended by local law number 37 of the city of New York for the year 1996, is amended to read as follows:

(a) Notwithstanding any other provision of law and notwithstanding any omission to hold a tax lien sale, whenever any tax, assessment, sewer rent, sewer surcharge, water rent, any charge that is made a lien subject to the provisions of this chapter or chapter four of this title, or interest and penalties thereon, has been due and unpaid for a period of at least one year from the date on which the tax, assessment or other legal charge represented thereby became a lien, or in the case of any class one property or any class ~~two~~ one-a property [~~that is a residential condominium or residential cooperative~~], as such classes of property are defined in subdivision one of section eighteen hundred two of the real property tax law, or in the case of a multiple dwelling owned by a company organized pursuant to article XI of the private housing finance law with the consent and approval of the department of housing preservation and development, for a period of at least three years from the date on which the tax, assessment or other legal charge became a lien, the city, as owner of a tax lien, may maintain an action in the supreme court to foreclose such lien. Such action shall be governed by the procedures set forth in section 11-335 of this chapter; provided, however, that such parcel shall only be sold to the highest responsible bidder. Such purchaser shall be deemed qualified as a responsible bidder pursuant to such criteria as are established in rules promulgated by the commissioner of finance after consultation with the commissioner of housing preservation and development.

§ 17. The opening paragraph of subdivision 4 of section 11-401 of the administrative code of the city of New York, as added by local law number 152 of the city of New York for the year 2017, is amended to read as follows:

"Distressed property." Any parcel of class one, class one-a or class two real property that is subject to a tax lien or liens that result from an environmental control board judgment against the owner of such parcel for a building code violation with a lien or liens to value ratio, as determined by the commissioner of finance, equal to or greater than 25 percent or any parcel of class one, class one-a, or class two real property that is subject to a tax lien or liens with a lien or liens to value ratio, as determined by the commissioner of finance, equal to or greater than fifteen percent and that meets one of the following two criteria:

§ 18. Subdivisions a and b of section 11-401.1 of the administrative code of the city of New York, as added by local law number 37 of the city of New York for the year 1996, are amended to read as follows:

a. The commissioner of finance shall, not less than sixty days preceding the date of the sale of a tax lien or tax liens, submit to the commissioner of housing preservation and development a description by block and lot, or by such other identification as the commissioner of finance may deem appropriate, of any parcel of class one, class one-a or class two real property on which there is a tax lien that may be foreclosed by the city. The commissioner of housing preservation and development shall determine, and direct the commissioner of finance, not less than ten days preceding the date of the sale of a tax lien or tax liens, whether any such parcel is a distressed property as defined in subdivision four of section 11-401 of this chapter. Any tax lien on a parcel so determined to be a distressed property shall not be included in such sale. In connection with a subsequent sale of a tax lien or tax liens, the commissioner of finance may, not less than sixty days preceding the date of the sale, resubmit to the commissioner of housing preservation and development a description by block and lot, or by such other identification as the commissioner of finance may deem appropriate, of any parcel of class one, class one-a or class two real property that was previously determined to be a distressed property pursuant to this paragraph and on which there is a tax lien that may be included in such sale. The commissioner of housing preservation and development shall determine, and direct the commissioner of finance, not less than ten days preceding the date of the sale, whether such parcel remains a distressed property. If the commissioner of housing preservation and development determines that the parcel is not a distressed property, then the tax lien on the parcel may be included in the sale.

b. The commissioner of housing preservation and development may periodically review whether a parcel of class one, class one-a or class two real property that is subject to subdivision c of this section or subdivision j of section 11-412.1 of this chapter remains a distressed property. If the commissioner determines that the parcel is not a distressed property as defined in subdivision four of section 11-401 of this chapter, then the parcel shall not be subject to such subdivisions.

§ 19. Subdivision b of section 11-404 of the administrative code of the city of New York, as amended by local law number 37 of the city of New York for the year 1996, is amended to read as follows:

b. A tax lien on any class one property or any class ~~two~~ one-a property ~~[that is a residential condominium or residential cooperative]~~, as such classes of property are defined in subdivision one of section eighteen hundred two of the real property tax law, and on any multiple dwelling owned by a company organized pursuant to article XI of the private housing finance law with the consent and approval of the department of housing preservation and development, shall not be foreclosed in the manner provided in this chapter until such tax lien has been due and unpaid for a period of at least three years from the date on which the tax, assessment or other legal charge represented thereby became a lien.

§ 20. Paragraph 5 of subdivision c of section 11-405 of the administrative code of the city of New York, as added by local law number 37 of the city of New York for the year 1996, is amended to read as follows:

(5) Notwithstanding paragraph one, two or three of this subdivision, with respect to installment agreements duly made, executed and filed on or after the date on which this paragraph takes effect, the commissioner of finance may also exclude or thereafter remove from such list any

1 parcel of class one, class one-a or class two real property, other than
2 a parcel described in paragraph four of this subdivision, as to which an
3 agreement has been duly made, executed and filed with such commissioner
4 for the payment of the delinquent taxes, assessments or other legal
5 charges, and the interest and penalties thereon, in installments. The
6 first installment thereof shall be paid upon the filing of the install-
7 ment agreement with the commissioner and shall be in an amount equal to
8 not less than fifteen percent of the total amount of such delinquent
9 taxes, assessments or other legal charges and the interest and penalties
10 thereon. The remaining installments, which shall be twice the number of
11 unpaid quarters of real estate taxes or the equivalent thereof, but
12 which shall in no event exceed thirty-two in number, shall be payable
13 quarterly on the first days of July, October, January and April. For the
14 purposes of calculating the number of such remaining installments,
15 unpaid real estate taxes that are due and payable on other than a quar-
16 terly basis shall be deemed to be payable on a quarterly basis.

17 § 21. Section 581 of the real property tax law is REPEALED.

18 § 22. Subdivision 1 of section 339-y of the real property law, as
19 amended by chapter 218 of the laws of 1986, subparagraph (ii) of para-
20 graph (d) as amended by chapter 223 of the laws of 1989, paragraph (e)
21 as added by chapter 135 of the laws of 1996 and paragraph (f) as added
22 by chapter 293 of the laws of 1997, is amended to read as follows:

23 1. (a) With respect to all property submitted to the provisions of
24 this article other than property which is the subject of a qualified
25 leasehold condominium, each unit and its common interest, not including
26 any personal property, shall be deemed to be a parcel and shall be
27 subject to separate assessment and taxation by each assessing unit,
28 school district, special district, county or other taxing unit, for all
29 types of taxes authorized by law including but not limited to special ad
30 valorem levies and special assessments, except that the foregoing shall
31 not apply to a unit held under lease or sublease unless the declaration
32 requires the unit owner to pay all taxes attributable to his unit.
33 Neither the building, the property nor any of the common elements shall
34 be deemed to be a parcel.

35 (b) ~~[In no event shall the aggregate of the assessment of the units~~
36 ~~plus their common interests exceed the total valuation of the property~~
37 ~~were the property assessed as a parcel.~~

38 (c) For the purposes of this and the next succeeding section the
39 terms "assessing unit", "assessment", "parcel", "special ad valorem
40 levy", "special assessment", "special district", "taxation" and "taxes"
41 shall have the meanings specified in section one hundred two of the real
42 property tax law.

43 ~~[(d) The provisions of paragraph (b) of this subdivision shall not~~
44 ~~apply to such real property classified within:~~

45 ~~(i) on and after January first, nineteen hundred eighty-six, class one~~
46 ~~of section one thousand eight hundred two of the real property tax law;~~
47 ~~or~~

48 ~~(ii) on and after January first, nineteen hundred eighty-four, the~~
49 ~~homestead class of an approved assessing unit which has adopted the~~
50 ~~provisions of section one thousand nine hundred three of the real prop-~~
51 ~~erty tax law, or the homestead class of the portion outside an approved~~
52 ~~assessing unit of an eligible split school district which has adopted~~
53 ~~the provisions of section nineteen hundred three-a of the real property~~
54 ~~tax law; provided, however, that, in an approved assessing unit which~~
55 ~~adopted the provisions of section one thousand nine hundred three of the~~
56 ~~real property tax law prior to the effective date of this subdivision,~~

~~paragraph (b) of this subdivision shall apply to all such real property (i) which is classified within the homestead class pursuant to paragraph one of subdivision (e) of section one thousand nine hundred one of the real property tax law and (ii) which, regardless of classification, was on the assessment roll prior to the effective date of this subdivision unless the governing body of such approved assessing unit provides by local law adopted after a public hearing, prior to the taxable status date of such assessing unit next occurring after December thirty-first, nineteen hundred eighty-three, that such paragraph (b) shall not apply to such real property to which this clause applies. Provided further, however, real property subject to the provisions of this subparagraph shall be assessed pursuant to subdivision two of section five hundred eighty-one of the real property tax law.~~

~~(e)]~~ (c) On the first assessment roll with a taxable status date on or after the effective date of a declaration filed with the recording officer and on every assessment roll thereafter, the assessor shall enter each unit as a parcel, as provided in paragraph (a) of this subdivision, based upon the condition and ownership of each such unit on the appropriate valuation and taxable status dates. Units owned by a developer may be entered as a single parcel with a parcel description corresponding to the entire development, including the land under such development, and excluding those units appearing separately. Upon the first assessment roll where each unit is separately assessed, only an individual unit and its common interest shall constitute a parcel.

~~[(f) The provisions of paragraph (b) of this subdivision shall not apply to a converted condominium unit in a municipal corporation other than a special assessing unit, which has adopted, prior to the taxable status date of the assessment roll upon which its taxes will be levied, a local law or, for a school district, a resolution providing that the provisions of paragraph (b) of this subdivision shall not apply to a converted condominium unit within that municipal corporation. A converted condominium unit for purposes of this paragraph shall mean a dwelling unit held in condominium form of ownership that has previously been on an assessment roll as a dwelling unit in other than condominium form of ownership, and has not been previously subject to the provisions of paragraph (b) of this subdivision.]~~

§ 23. This act shall take effect on the first of January next succeeding the date on which it shall have become a law and shall apply to assessment rolls prepared pursuant to a taxable status date occurring on or after such date. Effective immediately, the addition, amendment and/or repeal of any rule or regulation necessary for the implementation of this act on its effective date are authorized and directed to be made and completed on or before such effective date.