

# STATE OF NEW YORK

6555

2021-2022 Regular Sessions

## IN SENATE

May 5, 2021

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

AN ACT to amend the real property tax law, in relation to a residential and mixed-use investment exemption program in certain cities and school districts

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

1 Section 1. The real property tax law is amended by adding a new  
2 section 485-v to read as follows:

3 § 485-v. Residential and mixed-use investment exemption; certain  
4 cities and school districts. 1. As used in this section, "residential  
5 and mixed-use construction" means the creation, modernization, rehabili-  
6 tation, expansion or other improvement of any structure containing one  
7 to four legal dwelling units with or without one unit of commercial or  
8 retail use.

9 2. Residential and mixed-use real property constructed on or after the  
10 first day of July, two thousand twenty-one located in a city with a  
11 population of not less than fifty thousand and not more than fifty-one  
12 thousand, based upon the two thousand ten federal census, shall be  
13 exempt from city, county and school taxation as provided in this  
14 section.

15 3. (a) (i) Such real property shall be exempt for a period of four  
16 years to the extent of one hundred per centum of the increase in  
17 assessed value thereof attributable to such construction and for an  
18 additional period of eleven years provided, however, that the extent of  
19 such exemption shall be decreased by twenty-five per centum in year  
20 five, ten per centum in each year six through year nine, and five per  
21 centum each year during such additional period of six years and such  
22 exemption shall be computed with respect to the exemption base. The  
23 exemption base shall be the increase in assessed value as determined in  
24 the initial year of such fifteen-year period following the filing of an

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

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original application, except as provided in subparagraph (ii) of this paragraph.

(ii) In any year in which a change in level of assessment of fifteen percent or more is certified for a final assessment roll pursuant to the rules of the commissioner, the exemption base shall be multiplied by a fraction, the numerator of which shall be the total assessed value of the parcel on such final assessment roll, excluding any additional value derived from any physical or quantity changes to the parcel since the immediately preceding assessment roll, and the denominator of which shall be the total assessed value of the parcel on the immediately preceding final assessment roll. The result shall be the new exemption base. The exemption shall thereupon be recomputed to take into account the new exemption base, notwithstanding the fact that the assessor receives the certification of the change in level of assessment after the completion, verification and filing of the final assessment roll. In the event the assessor does not have custody of the roll when such certification is received, the assessor shall certify the recomputed exemption to the local officers having custody and control of the roll, and such local officers are hereby directed and authorized to enter the recomputed exemption certified by the assessor on the roll. The assessor shall give written notice of such recomputed exemption to the property owner, who may, if he or she believes that the exemption was recomputed incorrectly, apply for a correction in the manner provided by title three of article five of this chapter for the correction of clerical errors.

(iii) The following table shall illustrate the computation of the city, county and school district tax exemption:

Year of exemption      Percentage of exemption

|           |             |
|-----------|-------------|
| <u>1</u>  | <u>100%</u> |
| <u>2</u>  | <u>100%</u> |
| <u>3</u>  | <u>100%</u> |
| <u>4</u>  | <u>100%</u> |
| <u>5</u>  | <u>75%</u>  |
| <u>6</u>  | <u>65%</u>  |
| <u>7</u>  | <u>55%</u>  |
| <u>8</u>  | <u>45%</u>  |
| <u>9</u>  | <u>35%</u>  |
| <u>10</u> | <u>30%</u>  |
| <u>11</u> | <u>25%</u>  |
| <u>12</u> | <u>20%</u>  |
| <u>13</u> | <u>15%</u>  |
| <u>14</u> | <u>10%</u>  |
| <u>15</u> | <u>5%</u>   |

(b) No such exemption shall be granted unless:

(i) such construction was commenced on or after the first day of July, two thousand twenty-one or such later date as may be specified by resolution;

(ii) the residential real property is situated in a city with a population of not less than fifty thousand and not more than fifty-one thousand, based upon the two thousand ten federal census;

(iii) the cost of such construction exceeds the sum of seventy thousand dollars;

(iv) the property is located within the eligibility area, as designated by being located within the following U.S. census tracts:

(A) Tract 401;

1 (B) Tract 402;  
2 (C) Tract 403;  
3 (D) Tract 404;  
4 (E) Tract 405;  
5 (F) Tract 406;  
6 (G) Tract 409;  
7 (H) Tract 410; and

8 (v) such construction is completed as may be evidenced by a certifi-  
9 cate of occupancy or other appropriate documentation as provided by the  
10 owner.

11 (c) For purposes of this subdivision, the term construction shall not  
12 include ordinary maintenance and repairs.

13 4. Such exemption shall be granted only upon application by the owner  
14 of such real property on a form prescribed by the commissioner. Such  
15 application shall be filed with the assessor of a city with a population  
16 of not less than fifty thousand and not more than fifty-one thousand,  
17 based upon the two thousand ten federal census, on or before the appro-  
18 priate taxable status date of such city and within one year from the  
19 date of completion of such construction.

20 5. If the assessor is satisfied that the applicant is entitled to an  
21 exemption pursuant to this section, he or she shall approve the applica-  
22 tion and such real property shall thereafter be exempt from taxation by  
23 the city, the county in which such city is located, and by any school  
24 district which serves such city. Exemptions shall be as provided in this  
25 section commencing with the assessment roll prepared after the taxable  
26 status date referred to in subdivision two of this section. The assessed  
27 value of any exemption granted pursuant to this section shall be entered  
28 by the assessor on the assessment roll with the taxable property, with  
29 the amount of the exemption shown in a separate column.

30 6. The provisions of this section shall apply to real property  
31 containing no greater than four total units, of which one may contain a  
32 commercial occupancy and the remainder being occupied as residences.

33 7. In the event that real property granted an exemption pursuant to  
34 this section ceases to be used primarily for eligible purposes, the  
35 exemption granted pursuant to this section shall cease to be applied to  
36 the property commencing on the immediately following assessment role.

37 8. In the event that the real property is sold or the deed is trans-  
38 ferred to a new owner or ownership entity differing in ownership or  
39 members, the exemption granted pursuant to this section shall cease to  
40 be applied to the property commencing on the immediately following  
41 assessment role.

42 9. The exemption established pursuant to this section shall not apply  
43 to special assessments or special ad valorem levies on the property.

44 § 2. This act shall take effect immediately.