

# STATE OF NEW YORK

9158

## IN ASSEMBLY

January 31, 2022

Introduced by M. of A. THIELE -- read once and referred to the Committee on Local Governments

AN ACT to repeal sections 2, 3, 4, and 5 of chapter 330 of the laws of 2011 amending the town law relating to payments for certain school, fire, fire protection, and ambulance districts for lands exempt from real property taxation for purposes which implement the Peconic Bay community preservation fund; and providing for the repeal of certain provisions upon expiration thereof

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

1 Section 1. Sections 2, 3, 4, and 5 of chapter 330 of the laws of 2011  
2 amending the town law relating to payments for certain school, fire,  
3 fire protection, and ambulance districts for lands exempt from real  
4 property taxation for purposes which implement the Peconic Bay community  
5 preservation fund are REPEALED.

6 § 2. Notwithstanding any provision of law to the contrary, a town may  
7 make annual payments from its community preservation fund enacted pursu-  
8 ant to section 64-e of the town law to school, fire, fire protection,  
9 and ambulance districts. Such payments may be made to mitigate the  
10 impact of lost tax revenues from lands made wholly exempt as a result of  
11 their acquisition by the federal, state, or local government for the  
12 preservation of community character as defined in subdivision 4 of  
13 section 64-e of the town law. Before approving such payments, the town  
14 board shall determine that the lost tax revenue would result in an  
15 extraordinary financial hardship to such districts.

16 § 3. Such payments made by a town pursuant to this act shall only be  
17 made for lands within such districts which are wholly exempt from real  
18 property taxation pursuant to the real property tax law that have been  
19 acquired by the federal government, state government, or a municipal  
20 corporation for community preservation purposes pursuant to section 64-e  
21 of the town law, whether or not said lands were actually acquired with  
22 community preservation funds. For the purposes of determining the  
23 payment to each eligible district, each eligible parcel shall be  
24 assessed as provided for in the real property tax law. Such assessments

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

LBD11918-02-2

1 shall be approved by commissioner of taxation and finance in the same  
2 manner as state lands, as provided for in subdivision 3 of section 542  
3 of the real property tax law. Such eligible parcels shall be reassessed  
4 annually. The town shall apply each eligible district's tax rate to  
5 determine the maximum payment for each eligible parcel in that district  
6 for each year.

7 § 4. Where the total annual budget appropriation by a town for the  
8 payments provided for by this act is less than the aggregate payments  
9 for all districts, then the town shall apportion such annual payment for  
10 each district based on a percentage calculated as a proportion of each  
11 district's payment to the aggregate of payments to all districts. In  
12 such case, each district shall receive its proportional share of the  
13 budget appropriation. Such payment made by the town shall be used solely  
14 to reduce the property tax liability of the remaining taxpayers of the  
15 district within such town. Not more than 10 percent of the fund  
16 collected in any fiscal year may be used for the purpose outlined in  
17 this section. The last fiscal year for which twelve full months of  
18 collected revenue is available shall be used to determine the maximum  
19 appropriation permitted by this section. The maximum percentage of the  
20 fund to be appropriated for such payments for any year or years may be  
21 reduced below 10 percent by an election upon proposition pursuant to  
22 section 81 of the town law.

23 § 5. The town board shall adopt an annual plan before the payments  
24 authorized by this act may be made. No monies from the fund shall be  
25 expended for such payments, except as approved in said plan. Said plan  
26 shall specify each parcel eligible for a payment and shall provide for  
27 the amount of payment for each eligible parcel for the current fiscal  
28 year as well as an estimate for the following fiscal year. In addition,  
29 such plan shall provide the assessed value of each eligible parcel. Said  
30 plan shall be approved and adopted by the town board after a public  
31 hearing.

32 § 6. This act shall take effect immediately; provided, however, that  
33 sections two, three, four and five of this act shall expire and be  
34 deemed repealed December 31, 2050.