STATE OF NEW YORK

5715--A

Cal. No. 757

2021-2022 Regular Sessions

IN SENATE

March 16, 2021

Introduced by Sen. GAUGHRAN -- read twice and ordered printed, and when printed to be committed to the Committee on Local Government -- reported favorably from said committee, ordered to first and second report, ordered to a third reading, amended and ordered reprinted, retaining its place in the order of third reading

AN ACT to amend the real property tax law, in relation to requiring assessors using the comparable sales method for assessments to consider certain comparable properties in formulating the assessment

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

Section 1. The real property tax law is amended by adding a new section 305-a to read as follows:

§ 305-a. Assessment using the comparable sales, income capitalization or cost method. 1. As used in this section, the following terms shall have the following meanings:

(a) "Mixed-use property" means a property with a building or structure used for both residential and commercial purposes.

(b) "Non-residential property" means a property with a building or structure used for commercial purposes.

2. When determining the value of a mixed-use or non-residential property using the comparable sales, income capitalization or cost method, the following shall be considered when selecting appropriate sales or rentals comparable to the subject property; provided, however, that the following requirements shall apply only to assessing units other than cities having a population of one million or more:

(a) sales or rentals of properties exhibiting similar use or the use at the time of sale in the same real estate market. Comparable properties should include properties located in proximate location to the subject property unless there is an inadequate number of appropriate sales or rentals within the same market; and

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

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(b) sales or rentals of properties that are similar in age, condition, use or the use at the time of sale, type of construction, location, design, physical features and economic characteristics including but not limited to similarities in occupancy and market rent.

§ 2. This act shall take effect immediately and shall apply to assessment rolls prepared on or after January 1, 2022.