

STATE OF NEW YORK

625

2021-2022 Regular Sessions

IN SENATE

(Prefiled)

January 6, 2021

Introduced by Sen. KAMINSKY -- 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 the assessment of certain real property damaged by the severe storm that occurred on October twenty-ninth and thirtieth, two thousand twelve in a special assessing unit that is not a city

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

1 Section 1. Paragraph (b) of subdivision 2 of section 1805-b of the
2 real property tax law, as added by chapter 411 of the laws of 2015, is
3 amended to read as follows:

4 (b) "Aggregate physical increase" means the sum of physical increases
5 for assessment rolls completed from two thousand fourteen through two
6 thousand ~~[twenty]~~ twenty-three.

7 § 2. Paragraph (b) of subdivision 3 of section 1805-b of the real
8 property tax law, as added by chapter 411 of the laws of 2015, is
9 amended to read as follows:

10 (b) the assessor increased the assessed value attributable to improve-
11 ments on the property by means of a physical increase for an assessment
12 roll completed from two thousand fourteen through two thousand ~~[twenty]~~
13 twenty-three.

14 § 3. Subdivision 4 of section 1805-b of the real property tax law, as
15 added by chapter 411 of the laws of 2015, is amended to read as follows:

16 4. Limitation on increases of assessed value. Notwithstanding subdivi-
17 sion five of section eighteen hundred five of this article and any other
18 provision to the contrary, increases in the assessed value of affected
19 real property shall be limited in the manner specified in this subdivi-
20 sion.

21 (a) Except as provided in paragraph (c) of this subdivision, for
22 affected real property for which the assessed values on the assessment
23 rolls completed in two thousand fourteen and two thousand fifteen do not
24 reflect a physical increase, the amount of the aggregate physical
25 increase shall not exceed the amount of the physical decrease reflected

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

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1 in the assessed value on the assessment roll completed in two thousand
2 thirteen. Any increase in assessed value from the preceding year in
3 excess of the physical increase reflected in the current assessed value,
4 such physical increase limited as provided in the preceding sentence,
5 shall be subject to the limitations on increases provided in subdivi-
6 sions one, two and three of section eighteen hundred five of this arti-
7 cle. In no event shall the assessed value of the affected real property
8 appearing on an assessment roll completed for any given year from two
9 thousand fifteen to two thousand ~~twenty~~ twenty-three exceed what the
10 assessed value would have been that year but for any physical decreases
11 or physical increases reflected in the assessed values on the assessment
12 rolls completed from two thousand thirteen to two thousand ~~twenty~~
13 twenty-three.

14 (b) For affected real property for which the assessed value on the
15 assessment roll completed in two thousand fourteen or two thousand
16 fifteen reflects a physical increase, the assessed value as it appeared
17 on the assessment roll completed in two thousand fifteen shall be recal-
18 culated as if the limitation in paragraph (a) of this subdivision had
19 been in effect for the assessment rolls completed in two thousand four-
20 teen and two thousand fifteen. The recalculation of the assessed value
21 that appeared on the assessment roll completed in two thousand fifteen
22 shall not affect the amount of taxes that were due and payable for the
23 fiscal year beginning on the first of July, two thousand fourteen. The
24 assessed value on the assessment rolls completed for each of the years
25 from two thousand sixteen to two thousand ~~twenty~~ twenty-three shall be
26 subject to the limitation on increases provided in paragraph (a) of this
27 subdivision. Notwithstanding any provision to the contrary, the assessor
28 is authorized to correct as provided in this paragraph the assessed
29 value of affected real property appearing on the assessment roll
30 completed in two thousand fifteen. Such correction shall be made no
31 later than ninety days after the effective date of a local law adopted
32 in accordance with this section.

33 (c) Notwithstanding paragraphs (a) and (b) of this subdivision, in the
34 event that the total square footage of the improvements on the affected
35 real property appearing on any assessment roll completed from two thou-
36 sand fourteen to two thousand ~~twenty~~ twenty-three exceeds the total
37 square footage of the improvements on the property appearing on the
38 assessment roll completed in two thousand twelve, the amount of the
39 aggregate physical increase shall not exceed the amount computed by
40 multiplying the sum of the physical increases as calculated subject to
41 this subdivision by a fraction, the numerator of which is equal to the
42 amount of the total square footage of the improvements on the property
43 for the current assessment roll, and the denominator of which is equal
44 to the amount of the total square footage of the improvements on the
45 property for the assessment roll completed in two thousand twelve. For
46 purposes of this paragraph, if improvements on the property located
47 below grade were not included in the total square footage of the
48 improvements on the property for the assessment roll completed in two
49 thousand twelve, such improvements shall not be included in the total
50 square footage for subsequent assessment rolls if the improvements were
51 moved above grade or other building elevations were constructed on the
52 property to prevent or mitigate flooding as part of reconstruction or
53 repair in connection with the damage caused by the severe storm that
54 occurred on the twenty-ninth and thirtieth of October, two thousand
55 twelve.

56 § 4. This act shall take effect immediately.