

STATE OF NEW YORK

8254

2023-2024 Regular Sessions

IN ASSEMBLY

November 15, 2023

Introduced by M. of A. GRAY -- read once and referred to the Committee on Real Property Taxation

AN ACT to amend the real property tax law, in relation to the ability of a taxing jurisdiction to opt out of the exemption from taxation for certain energy systems

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

1 Section 1. Paragraph (a) of subdivision 8 of section 487 of the real
2 property tax law, as amended by chapter 325 of the laws of 2018, is
3 amended to read as follows:

4 (a) Notwithstanding the provisions of subdivision two of this section,
5 a county, city, town or village may by local law or a school district,
6 other than a school district to which article fifty-two of the education
7 law applies, may by resolution provide either (i) that no exemption
8 under this section shall be applicable within its jurisdiction with
9 respect to any solar or wind energy system or farm waste energy system
10 which began construction subsequent to January first, nineteen hundred
11 ninety-one or the effective date of such local law, ordinance or resolu-
12 tion, whichever is later, and/or (ii) that no exemption under this
13 section shall be applicable within its jurisdiction with respect to any
14 micro-hydroelectric energy system, fuel cell electric generating system,
15 micro-combined heat and power generating equipment system, electric
16 energy storage equipment or electric energy storage system, or fuel-
17 flexible linear generator electric generating system constructed subse-
18 quent to January first, two thousand eighteen or the effective date of
19 such local law, ordinance or resolution, whichever is later. A copy of
20 any such local law or resolution shall be filed with the commissioner
21 and with the president of the authority. A taxing jurisdiction which
22 has opted not to provide the exemption authorized by this section pursu-
23 ant to the provisions of this paragraph may not subsequently grant an
24 exemption for a single or specific energy system installation or devel-

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

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1 opment. A taxing jurisdiction which has previously opted not to provide
2 an exemption under this section may by local law, ordinance or resol-
3 ution, as appropriate, change or repeal the opt out and permit the
4 exemption only if it passes such local law, ordinance or resolution
5 within one hundred twenty days prior to the taxable status date of such
6 taxing jurisdiction. Such local law, ordinance or resolution shall be
7 valid and in effect for one year. An exemption granted during such time
8 period shall be valid for the fifteen year period as provided in subdi-
9 vision two of this section except as otherwise provided in this section.

10 § 2. This act shall take effect immediately.