STATE OF NEW YORK

1298

2023-2024 Regular Sessions

IN ASSEMBLY

January 17, 2023

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

AN ACT to establish the upstate New York assessment relief act

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

Section 1. Short title. This act shall be known and may be cited as the "upstate New York assessment relief act".

§ 2. Definitions. Unless the context requires otherwise, terms used in this act which are defined in section 102 of the real property tax law shall have the same meaning as in such section of the real property tax law. In addition, for the purposes of this act, the following terms shall mean:

1. "Storm" shall mean the storm occurring across upstate New York on October 31, 2019.

2. "Eligible county" shall mean any of the following counties: Chautauqua, Chenango, Clinton, Cortland, Erie, Essex, Fulton, Hamilton, Herkimer, Jefferson, Lewis, Madison, Montgomery, Oneida, Otsego, Saratoga, Tioga and Warren.

3. "Catastrophically impacted property" shall mean real property, located in an eligible municipality, which lost fifty percent or more of its value as a result of damage caused by the storm.

4. "Eligible municipality" shall mean a municipal corporation, as defined by subdivision 10 of section 102 of the real property tax law, which is either (a) an eligible county, or (b) a city, town, village or school district that is wholly or partly contained within an eligible county, including a city with a population of one million or more. An eligible municipality shall also include a fire district wholly or partly contained in an eligible county.

5. "Impacted assessment roll" shall mean a final assessment roll which satisfies both of the following conditions: (a) the roll is based upon a taxable status date occurring on or before October 31, 2019, and (b) the

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

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roll is used for the levy of taxes by or on behalf of a participating municipality for such municipality's 2019-2020 or 2020 fiscal year.

6. "Participating municipality" shall mean an eligible municipality that has elected to provide assessment and tax relief to owners of catastrophically impacted property pursuant to section three of this act.

§ 3. Local option. The governing body of an eligible municipality may elect to provide assessment and tax relief to owners of catastrophically impacted property pursuant to the provisions of this act by adoption of a resolution within forty-five days following the date on which this act shall have become a law.

§ 4. Assessment and tax relief. 1. Notwithstanding any provision of law to the contrary, assessment and tax relief shall be granted to the owners of catastrophically impacted property located within a participating municipality as follows:

(a) If the property lost at least fifty but less than sixty percent of its value due to the storm, the assessed value of the property shall be reduced by fifty-five percent for purposes of the participating municipality on the impacted assessment roll.

(b) If the property lost at least sixty but less than seventy percent of its value due to the storm, the assessed value of the property shall be reduced by sixty-five percent for purposes of the participating municipality on the impacted assessment roll.

(c) If the property lost at least seventy but less than eighty percent of its value due to the storm, the taxable assessed value of the property shall be reduced by seventy-five percent for purposes of the participating municipality on the impacted assessment roll.

(d) If the property lost at least eighty but less than ninety percent of its value due to the storm, the assessed value of the property shall be reduced by eighty-five percent for purposes of the participating municipality on the impacted assessment roll.

(e) If the property lost at least ninety but less than one hundred percent of its value due to the storm, the assessed value of the property shall be reduced by ninety-five percent for purposes of the participating municipality on the impacted assessment roll.

(f) If the property lost all of its value due to the storm, the assessed value of the property shall be reduced to zero for purposes of the participating municipality on the impacted assessment roll.

(g) The percentage loss in value for this purpose shall be determined by the assessor who prepared the impacted assessment roll in the manner provided by this act, subject to review by the board of assessment review.

(h) No reduction in assessed value shall be granted pursuant to this act except as specified in this section. No reduction in assessed value shall be granted pursuant to this section for purposes of any eligible municipality which has not elected to provide assessment and tax relief pursuant to section three of this act.

2. To receive relief pursuant to this act, a property owner shall submit a written request to the assessor who prepared the impacted assessment roll within ninety days following the date on which this act shall become a law. Such request need not be in a particular format, but shall describe in reasonable detail the damage caused to the property by the storm and the condition of the property following the storm, and shall be accompanied by supporting documentation if available.

3. Upon receiving such a request, the assessor shall make a finding as to whether the property lost at least half of its value as a result of

the storm and, if so, shall classify the percentage loss of value within one of the following ranges:

(a) at least fifty percent but less than sixty percent,

(b) at least sixty percent but less than seventy percent,

(c) at least seventy percent but less than eighty percent,

(d) at least eighty percent but less than ninety percent,

(e) at least ninety percent but less than one hundred percent, or

(f) one hundred percent.

4. The assessor shall mail written notice of such finding and classification to the property owner and the participating municipality. Where the assessor finds that the loss in value is less than fifty percent, or classifies the loss within a lower range than the property owner believes is warranted, the property owner may file a complaint with the board of assessment review. Such board shall reconvene upon ten days written notice to the property owner and the assessor to hear the complaint and determine the matter, and shall mail written notice of its determination to the assessor, property owner and participating municipality. The provisions of title 1-A of article 5 of the real property tax law shall govern the review process to the extent practicable, provided, however, that in a city with a population of one million or more, such review process shall be governed by the comparable provisions of such city's charter and administrative code.

5. Where property has lost at least fifty percent of its value due to the storm, the assessed value of the property on the impacted assessment roll shall be reduced by the appropriate percentage specified in subdivision one of this section. Any partial exemptions which the property may be receiving, which are computed on the basis of the assessed value of the property, shall be adjusted proportionately to account for such reduction in the assessed value of the property.

6. In the case of a participating municipality other than a city with a population of one million or more, to the extent the taxable assessed value of the property determined pursuant to subdivision five of this section is less than the taxable assessed value of the property originally appearing on the impacted assessment roll, the difference shall be considered an error in essential fact as defined by section 550 of the real property tax law. If the error appears on a tax roll, the tax roll shall be corrected in the manner provided by section 554 of the real property tax law or a refund or credit of taxes shall be granted in the manner provided by section 556 or 556-b of the real property tax law. If the error appears on a final assessment roll but not on a tax roll, such final assessment roll shall be corrected in the manner provided by section 553 of the real property tax law. In the case of a city with a population of one million or more, to the extent the taxable assessed value of the property determined pursuant to subdivision five of this section is less than the taxable assessed value of the property originally appearing on the impacted assessment roll, a refund or credit of taxes shall be granted in the manner provided by the comparable provisions of such city's charter and administrative code.

7. The rights contained in this act shall not otherwise diminish any other legally available right of any property owner or other party who may otherwise lawfully challenge the valuation or assessment of any real property or improvements thereon. All such other legally available rights hereby remain and shall be available to the property owner or other party to whom such rights would otherwise be available notwithstanding this act.

§ 5. School districts held harmless. Each school district that is wholly or partially contained within an eligible county, as defined in subdivision two of section two of this act, shall be held harmless by the state for any reduction in state aid that would have been paid as tax savings pursuant to section 1306-a of the real property tax law incurred due to the provisions of this act.

§ 6. The director of the office of real property tax services, or other chief administrative official of that office within the department of taxation and finance, is authorized to develop a guidance memorandum for use by assessing units. Such guidance memorandum shall assist with the implementation of this act and shall be deemed to be binding on all assessing units in eligible counties. The guidance memorandum shall have no force or effect, or serve as authority, in connection with any matter other than the implementation of this act.

§ 7. This act shall take effect immediately.