STATE OF NEW YORK

9014

IN ASSEMBLY

February 2, 2024

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

AN ACT to amend the real property tax law, in relation to excluding privately owned water-works corporations from special franchise taxes

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

Section 1. Subdivision 17 of section 102 of the real property tax law, as amended by chapter 569 of the laws of 1996, is amended to read as follows:

17. "Special franchise" means the franchise, right, authority or permission to construct, maintain or operate in, under, above, upon or through any public street, highway, water or other public place mains, pipes, tanks, conduits, wires or transformers, with their appurtenances, for conducting water, steam, light, power, electricity, gas or other substance. For purposes of assessment and taxation a special franchise shall include the value of the tangible property situated in, under, above, upon or through any public street, highway, water or other public place in connection therewith. The term special franchise shall not include central office equipment or station equipment (except public telephone terminal equipment) which first appears on assessment rolls prepared on the basis of taxable status dates occurring on or after October first, nineteen hundred ninety-five and which is owned by a telephone company as defined in paragraph (d) of subdivision twelve of this section, or owned by a telephone corporation as defined in subdivision seventeen of section two of the public service law and certified by the public service commission under section ninety-nine of such law, nor shall it include property of a municipal corporation, public benefit corporation or special district, nor shall it include a crossing less than two hundred fifty feet in length of a public street, highway, water or other public place outside a city or village, unless such crossing be the continuation of an occupancy of another public street, highway, water or other public place. **The term "special franchise" shall also not include any water system property owned by a private water-works**

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

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corporation, as such terms are defined in section two of the public service law.

§ 2. Section 485-d of the real property tax law, as added by chapter 726 of the laws of 1985, is amended to read as follows:

§ 485-d. Water-works corporations. **1.** Real property situated in a city with a population of one million or more owned by a water-works corporation subject to the provisions of the public service law and used exclusively for the sale, furnishing and distribution of water for domestic, commercial and public purposes, shall be wholly or partially exempt from taxation provided that the local legislative body of such city within which such property is situated adopts a local law so providing.

2. Real property owned by a private water-works corporation subject to the provisions of the public service law and used exclusively for the sale, furnishing and distribution of water for domestic, commercial and public purposes, shall be wholly or partially exempt from taxation under article six of this chapter, provided that the local legislative body of such city, county, town, village or school district within which such property is situated adopts a local law so providing.

§ 3. For purposes of this act, any tax relief realized by a private water-works corporation shall be used to reduce current water rates and offset future water rate increases.

§ 4. This act shall take effect immediately.