STATE OF NEW YORK

1193--A

2025-2026 Regular Sessions

IN ASSEMBLY

January 9, 2025

Introduced by M. of A. PEOPLES-STOKES -- read once and referred to the Committee on Real Property Taxation -- recommitted to the Committee on Real Property Taxation in accordance with Assembly Rule 3, sec. 2 -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

AN ACT to amend the real property tax law, in relation to providing a tax abatement related to the removal of leaded paint

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 467-o to read as follows:

§ 467-o. Abatement of real property taxes for the cost of lead-based paint remediation to certain residential rental buildings. 1. After a public hearing, the governing board of a county, city, village or town may adopt a local law or resolution providing for a real property tax abatement for the cost of lead-based paint remediation in eligible properties, as provided in this section. An eligible property in such municipality shall be eligible to receive an abatement pursuant to this section where lead-based paint remediation is completed on or after the effective date of such local law or resolution. A copy of such local law or resolution shall be filed with the commissioner and the assessor of such county, city, village or town.

2. As used in this section:

a. (i) "Lead-based paint remediation" shall mean any set of measures designed to permanently eliminate lead-based paint or lead-based paint hazards. Remediation includes (1) the removal of lead-based paint and dust lead hazards, the permanent enclosure or encapsulation of lead-based paint, the replacement of components or fixtures painted with lead-based paint, and the removal or permanent covering of soil-lead hazards; and (2) all preparation, cleanup, disposal and post abatement clearance testing associated with such measures.

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

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(ii) "Lead-based paint remediation" shall not include renovation, remodeling, landscaping or other activities, when such activities are not designed to permanently eliminate lead-based paint hazards, but, instead, are designed to repair, restore, or remodel a given structure or dwelling, even though these activities may incidentally result in a reduction or elimination of lead-based paint hazards; provided further, lead-based paint remediation does not include interim controls, operations and maintenance activities, or other measures and activities designed to temporarily, but not permanently, reduce lead-based paint hazards.

b. "Assessor" shall have the same meaning as provided in subdivision three of section one hundred two of this chapter, provided that the county, city, village or town may designate an agency or person to exercise the functions, powers and duties tasked to the assessor pursuant to this section.

c. "Eligible property" shall mean residential real property containing one or more dwelling units, other than a hotel or motel, used for residential purposes and rented or offered for rent for residential occupancy.

3. a. Eligible properties shall receive an abatement in an amount equal to the reasonable and necessary costs directly attributable to the lead-based paint remediation, provided that the governing body of the county, city, village or town may establish maximum dollar limits for specified items of cost through local law or resolution.

b. Such governing body may establish a maximum total abatement amount granted per eligible property through local law or resolution.

c. An abatement pursuant to this section shall be paid over a maximum period of five years, unless local law or resolution specifies a lesser duration.

d. In no tax year shall the amount of such abatement exceed the real property tax liability of the eligible property for such tax year.

e. Any portion of the abatement not used in a tax year due to the limitation set forth in paragraph d of this subdivision may be applied in subsequent tax years within the duration set forth in paragraph c of this subdivision.

f. No abatement pursuant to this section shall be granted for the lead-based paint remediation unless:

(i) the lead-based paint remediation completed subsequent to the effective date of the local law or resolution adopted pursuant to subdivision one of this section;

(ii) the lead-based paint remediation was performed by a firm and personnel duly certified or authorized to perform lead-based paint activities in accordance with applicable federal, state, or local laws and regulations governing lead hazard abatement at the time such remediation was performed; and

(iii) the eligible property does not have any delinquent property taxes as of the taxable status date applicable to the tax roll on which an abatement is applied, or as of such later date as specified by local law, unless such property tax delinquency is the subject of an approved payment agreement in good standing.

4. An abatement pursuant to this section shall be granted only upon application by the owner of the eligible property on a form prescribed by the commissioner. The application shall be filed with the assessor on or before the appropriate taxable status date within one year of the completion of the lead-based paint remediation. Such application shall at a minimum include:

a. sworn statements by the firm that performed the lead-based paint remediation on the eligible property and by the property owner attesting to the completion of such lead-based paint remediation and compliance with applicable federal, state, and local laws and regulations;

b. documentation demonstrating that the firm and personnel performing the remediation were duly certified or authorized to perform lead-based paint activities under applicable law at the time the work was performed;

c. a summary of the lead-based paint remediation work performed, including an itemized statement of costs and proof of payment; and

d. documentation of post-remediation clearance testing, where required by applicable law.

5. a. If the assessor determines that the applicant has complied with the requirements of this section, the assessor shall approve the application and the eligible property shall receive the abatement authorized herein, commencing with the assessment roll prepared on the basis of the taxable status date referenced in subdivision four of this section.

b. Upon approval, the assessor shall notify the owner in writing of the amount and duration of the abatement granted any owner as soon as practicable.

c. No eligible property shall receive more than one abatement pursuant to this section.

d. No eligible property shall receive any other real property tax exemption, abatement, credit, or other reduction in real property taxes under this chapter or any other provision of law with respect to the same costs of lead-based paint remediation for which an abatement is granted pursuant to this section.

e. If it is determined that an abatement was granted based upon a material misstatement or false representation, the assessor may revoke such abatement and any taxes abated shall be due and payable with all interest accrued thereon as if such abatement had not been granted.

§ 2. This act shall take effect immediately and shall apply to assessment rolls prepared on the basis of taxable status dates occurring on or after January 1, 2027.