*** § 304. Subject of assessment.** All assessments shall be against the real property itself which shall be liable to sale pursuant to law for any unpaid taxes or special ad valorem levies.

* NB (Effective until ruling by Commissioner of Internal Revenue)

* § 304. Subject of assessment. 1. All assessments shall be against the real property itself which shall be liable to sale pursuant to law for any unpaid taxes or special ad valorem levies.

2. Where real property in whole or part is rented for residential purposes pursuant to a lease, or to the same occupant or occupants for twelve consecutive months duration or longer, or if the dwelling unit is subject to the regulation and control of residential rents and the occupants' rights and obligations of tenancy are created and protected by such regulation and control, a renter has an interest in the real property and is subject to articles nine and ten of this chapter, or laws of any municipality covering the levy and collection of taxes and the enforcement of collection of delinquent taxes, whichever is governing. Nothing in this subdivision shall relieve the owner of real property from the obligation for paying all taxes due on the real property under his ownership or vitiate the sale of said real property for unpaid taxes or special ad valorem levies. The owner of real property, or his designated agent, is obligated to apply the first money received each month from the renter to taxes due on the real property under his ownership.

3. As used in this section the term "rent" means the amount paid for the right of occupancy of a dwelling unit excluding charges for heat, gas, electricity, furnishings and board. Where such charges are included in the amount paid but are not treated consistently among dwelling units located within the real property and where such charges and the amount thereof are not separately set forth in the lease, the amount paid shall be reduced in the following manner:

(A) Fifteen percent of the rental paid shall be deducted for heat, or heat and gas;

(B) Twenty percent of the rental paid shall be deducted for heat, gas and electricity;

(C) Twenty-five percent of the rental paid shall be deducted for heat,

gas, electricity and furnishings;

(D) Fifty percent of the rental paid shall be deducted for heat, gas, electricity, furnishings and board.

4. The attorney general shall prepare and submit to the commissioner of internal revenue of the United States a request for a ruling that payments of real property taxes made by a renter in such municipality with an interest in real property pursuant to subdivision two of this section, with respect to such interest, will be deductible by such renter pursuant to paragraph a of subdivision one of section one hundred sixty four of the internal revenue code of nineteen hundred fifty-four, as amended.

5. Immediately after the effective date of this section and on or before the tax status date of the ensuing fiscal year and annually thereafter, the owner of the real property shall file with the appropriate assessment department of the municipality in which the real property is located the rent roll covering all units of said property, including names of those renters whose interest is described in subdivision two of this section and those renters who have elected an interest as described in subdivision four of this section. This schedule of rents shall include all units whether rented or not, and whether residential or not. The assessors shall assign an assessed valuation to each rental unit of said real property by establishing the relationship of the yearly rent for the unit to the total yearly rent roll and applying this ratio to the assessment established for the real property as a whole, less the assessment on that portion of the real property which the assessor may determine is not held for rental purposes. Taxes on such real property not held for rental purposes shall be assessed solely against the owner of the real property and shall not be considered in determining the assessed valuation of each rental unit. Where the residential real property is completed after the first tax status day after the effective date of this section, the owner of such real property shall file the required information with the assessors after completion. In the event the assessors reassess said real property, the relationships established for the prior assessments shall be applied to the new assessments. The assessments so established may be

entered on the assessment roll itself or attached as an appendage to such assessment roll but in any event the assessments for said real property shall be deemed a composite of the total of the assessments of each individual unit's assessment, and those renters whose interest is described in subdivision two of this section and those renters who have elected an interest as described in subdivision four of this section shall be personally liable for the taxes levied on the assessments declared for their respective units. It shall be the responsibility of the owner of the real property to notify the assessors of all changes in occupancy including notification when a vacant unit is occupied or an occupied unit becomes vacant. The assessors on or before tax status day will issue in writing to the owner a listing of the assessments assessed for each unit. This listing shall state the amount of taxes each renter whose interest is described in subdivision two of this section and each renter who has elected an interest as described in subdivision four of this section must pay each calendar month of the assessing unit's fiscal year. The landlord shall make this listing available to each tenant upon occupancy and thereafter upon receipt of such listing from the assessors.

* NB (Effective pending ruling by Commissioner of Internal Revenue)