§ 467-n. Assessment relief for disasters. 1. Definitions. For the purposes of this section, the following terms shall have the following meanings:

(a) "Eligible municipality" shall mean a county, a city other than a city with a population of one million or more, a town, a village, a school district, or a special district that has been impacted by a major or local disaster.

(b) "Eligible property" shall mean residential real property consisting of three or fewer dwelling units that have been impacted by a major or local disaster where at least one of such units had been owner-occupied immediately before such disaster occurred; provided, however, that property that has been transferred to a new owner after the occurrence of the major or local disaster and prior to relief being granted pursuant to this section shall not be considered eligible property for purposes of this section whether or not it is owner-occupied. Where the local law, ordinance or resolution authorizing the exemption explicitly so provides, the term "eligible property" shall also include a small business as defined in section one hundred thirty-one of the economic development law; provided however, that such eligible property must be occupied by the small business owner; and provided further, that participating municipalities may provide, via local law, ordinance or resolution, additional qualifications that a small business must satisfy to receive the exemption provided for by this section.

(c) "Impacted tax roll" shall mean the final assessment roll that satisfies both of the following conditions: (i) the roll is based upon a taxable status date occurring prior to a major or local disaster; and (ii) taxes levied upon that roll by or on behalf of a participating municipality are payable without interest on or after the date of the disaster; provided however, that the interest due from an individual property owner impacted by a major or local disaster shall not impact such property owner's eligibility for relief pursuant to this section; and provided further, that the exemption provided for by this section shall not affect interest or penalties due as the result of a delinquency.

(d) "Improved value" shall mean the market value of the real property improvements prior to the reduction in value resulting from damage

incurred to such improvements during a major or local disaster, excluding the land.

(e) "Local disaster" shall mean the occurrence or imminent, impending or urgent threat of widespread or severe damage, injury, or loss of life or property resulting from any natural or man-made causes, including, but not limited to, fire, flood, earthquake, hurricane, tornado, high water, landslide, mudslide, wind, storm, wave action, volcanic activity, epidemic, disease outbreak, air contamination, terrorism, cyber event, blight, drought, infestation, explosion, radiological accident, nuclear, chemical, biological, or bacteriological release, water contamination, bridge failure or bridge collapse, occurring in an area or region that is proclaimed to be in a local state of emergency pursuant to section twenty-four of the executive law; provided however, where damages occurred between January 1, 2020 and six months after the effective date of this section, a local disaster will be presumed to have occurred pursuant to this paragraph regardless of whether or not a local state of emergency was proclaimed pursuant to section twenty-four of the executive law, if:

(i) the occurrence otherwise conforms with the local disaster definition contained herein; and

(ii) the local law, ordinance or resolution that is adopted authorizing an exemption pursuant to this section so declares a local disaster to have occurred during such period for purposes of this section.

(f) "Major disaster" shall mean the occurrence or imminent, impending or urgent threat of widespread or severe damage, injury, or loss of life or property resulting from any natural or man-made causes, including, but not limited to, fire, flood, earthquake, hurricane, tornado, high water, landslide, mudslide, wind, storm, wave action, volcanic activity, epidemic, disease outbreak, air contamination, terrorism, cyber event, blight, drought, infestation, explosion, radiological accident, nuclear, chemical, biological, or bacteriological release, water contamination, bridge failure or bridge collapse, occurring in an area or region that is subsequently proclaimed to be impacted by a state disaster emergency declared by the governor pursuant to section twenty-eight of the executive law, or by a major disaster or an emergency declared by the president of the United States pursuant to chapter sixty-eight of title

forty-two of the United States code.

(g) "Maximum benefit ceiling" shall mean the maximum exemption from real property taxes expressed in a dollar amount that an eligible property may receive on each tax roll pursuant to this section, as specified in the local law, ordinance or resolution authorizing the exemption.

(h) "Minimum damage floor" shall mean the minimum loss of assessed value to an eligible property, expressed as a percentage of the total assessed value lost that must be demonstrated in order for the property to be eligible for an exemption pursuant to this section, as specified in the local law, ordinance or resolution authorizing the exemption. A participating municipality shall not specify a minimum damage floor above fifty percent. Where a participating municipality does not specify a minimum damage floor, the minimum damage floor shall be fifty percent.

(i) "Participating municipality" shall mean an eligible municipality that has passed a local law, ordinance, or resolution to provide assessment relief to owners of eligible properties within such eligible municipality pursuant to the provisions of this section.

(j) "Participating property" shall mean an eligible property in a participating municipality that is granted assessment relief pursuant to this section.

(k) "Total assessed value" shall mean the total assessed value of the parcel prior to any and all exemption adjustments.

2. Local option. (a) After a major or local disaster as defined by this section, the governing body of an eligible municipality may authorize assessment relief for eligible properties after conducting a public hearing, by adopting a local law, ordinance or, in the case of a school district, a resolution adopting the provisions of this section.

(b) Such local law, ordinance or resolution shall identify the major or local disaster or disasters to which it pertains, provided that no such local law, ordinance or resolution shall apply to a major or local disaster that occurred prior to January first, two thousand twenty. Such local law, ordinance or resolution shall include a deadline by which applications for relief pursuant to this section must be submitted in order to be considered. If no deadline is specified, such applications may be submitted until the local law, ordinance or resolution

authorizing the exemption is either repealed or amended to specify a deadline.

(c) Such local law, ordinance or resolution may also specify a minimum damage floor and a maximum benefit ceiling.

(d) Such local law, ordinance or resolution shall also specify how many prospective tax years, if any, beyond the impacted tax roll that the exemption shall apply for; provided however, that the exemption may be provided for a maximum of four prospective tax years following the impacted tax roll; and provided further, that such local law, ordinance or resolution may provide for a distinct number of years the exemption shall be provided applicable to each damage bracket.

(e) Such local law, ordinance or resolution shall also provide an address to which assessors shall mail written notice pursuant to paragraph (d) of subdivision three of this section.

3. Assessment relief for disaster victims in an eligible municipality. (a) Notwithstanding any provision of law to the contrary, where real property is impacted by a major or local disaster, and such property is located within a participating municipality, assessment relief shall be granted as follows:

(i) If a participating municipality has elected to provide assessment relief for real property that lost at least ten percent but less than twenty percent of its improved value due to a disaster, the assessed value attributable to the improvements shall be reduced by fifteen percent of the property's improved value for purposes of the participating municipality on the impacted tax roll, and for up to four prospective tax years, as provided for by local law, ordinance or resolution.

(ii) If a participating municipality has elected to provide assessment relief for real property that lost at least twenty percent but less than thirty percent of its improved value due to a disaster, the assessed value attributable to the improvements shall be reduced by twenty-five percent of the property's improved value for purposes of the participating municipality on the impacted tax roll, and for up to four prospective tax years, as provided for by local law, ordinance or resolution.

(iii) If a participating municipality has elected to provide

assessment relief for real property that lost at least thirty percent but less than forty percent of its improved value due to a disaster, the assessed value attributable to the improvements shall be reduced by thirty-five percent of the property's improved value for purposes of the participating municipality on the impacted tax roll, and for up to four prospective tax years, as provided for by local law, ordinance or resolution.

(iv) If a participating municipality has elected to provide assessment relief for real property that lost at least forty percent but less than fifty percent of its improved value due to a disaster, the assessed value attributable to the improvements shall be reduced by forty-five percent of the property's improved value for purposes of the participating municipality on the impacted tax roll, and for up to four prospective tax years, as provided for by local law, ordinance or resolution.

(v) If the property lost at least fifty but less than sixty percent of its improved value due to a disaster, the assessed value attributable to the improvements shall be reduced by fifty-five percent of the property's improved value for purposes of the participating municipality on the impacted tax roll, and for up to four prospective tax years, as provided for by local law, ordinance or resolution.

(vi) If the property lost at least sixty but less than seventy percent of its improved value due to a disaster, the assessed value attributable to the improvements shall be reduced by sixty-five percent of the property's improved value for purposes of the participating municipality on the impacted tax roll, and for up to four prospective tax years, as provided for by local law, ordinance or resolution.

(vii) If the property lost at least seventy but less than eighty percent of its improved value due to a disaster, the assessed value attributable to the improvements shall be reduced by seventy-five percent of the property's improved value for purposes of the participating municipality on the impacted tax roll, and for up to four prospective tax years, as provided for by local law, ordinance or resolution.

(viii) If the property lost at least eighty but less than ninety percent of its improved value due to a disaster, the assessed value attributable to the improvements shall be reduced by eighty-five percent

of the property's improved value for purposes of the participating municipality on the impacted tax roll, and for up to four prospective tax years, as provided for by local law, ordinance or resolution.

(ix) If the property lost at least ninety but less than one hundred percent of its improved value due to a disaster, the assessed value attributable to the improvements shall be reduced by ninety-five percent of the property's improved value for purposes of the participating municipality on the impacted tax roll, and for up to four prospective tax years, as provided for by local law, ordinance or resolution.

(x) If the property lost one hundred percent of its improved value due to a disaster, the assessed value attributable to the improvements shall be reduced by one hundred percent of the property's improved value for purposes of the participating municipality on the impacted tax roll, and for up to four prospective tax years, as provided for by local law, ordinance or resolution.

(xi) If an eligible property is declared uninhabitable by a local building inspector or condemned by the participating municipality as a result of a local or major disaster, or the process for making such declaration or condemnation is initiated in a participating municipality, in either case, due to health and safety concerns resulting from such disaster, irrespective of the minimum damage floor provided for in the local law, ordinance or resolution opting into this section, the participating property shall receive a one hundred percent exemption, subject to the maximum benefit ceiling, on the impacted tax roll, and for up to four prospective tax years, as provided for by local law, ordinance or resolution; provided however, that such exemption shall apply only for the period during which such property is uninhabitable or condemned; and provided further, that this subparagraph shall apply only if a local law, ordinance or resolution provides that this subparagraph shall apply.

(xii) The percentage loss in improved value for this purpose shall be determined by the assessor in the manner provided by this section, subject to review by the board of assessment review.

(xiii) Where the assessed value of a property is reduced pursuant to this section, the difference between the property's assessed value and its reduced assessed value shall be exempt from taxation. No reduction in assessed value shall be granted pursuant to this section except as

specified above. No reduction in assessed value shall be granted pursuant to this section for purposes of any county, city, town, village, school district, or special district that has not adopted the provisions of this section; provided however, that in the case of a town special district or county special district, the town or county within which such district is established shall be authorized to pass a local law, ordinance or resolution providing an exemption for the ad valorem levies established by such district; and provided further, that for a non-town or a non-county special district, such special district shall retain the authority to opt into this section.

(b) To receive such relief pursuant to this section, a property owner in a participating municipality shall submit a written request to the assessor on a form prescribed by the commissioner on or before the deadline for applying for the exemption, as set forth in the local law, ordinance or resolution authorizing the exemption. Such request shall attach any and all determinations by the Federal Emergency Management Agency, and any and all reports by an insurance adjuster, shall describe in reasonable detail the damage caused to the property by the disaster and the condition of the property following the disaster, and shall be accompanied by supporting documentation, if available. In addition to any and all determinations by the Federal Emergency Management Agency, and any and all reports by an insurance adjuster, a homeowner may provide evidence of damage to the local assessor as part of the application, by submission of any of the following, provided that the local assessor may take the necessary steps to confirm the validity of such documentation; and provided further, that such local law, ordinance, or resolution passed pursuant to this section may specify that any or all document categories shall be notarized:

(i) assessment or reassessment by the eligible county or municipality;

(ii) private appraisal;

(iii) documentation provided by such homeowner's insurance company;

(iv) documentation provided by a public adjuster as defined in paragraph two of subsection (g) of section twenty-one hundred one of the insurance law, if a homeowner does not maintain a homeowner's insurance policy;

(v) loss verification reports and other records produced by the small business administration office of disaster assistance;

(vi) photographic and visual documentation;

(vii) affidavits and other sworn statements; and

(viii) other government records and reports.

(c) Upon receiving such a request, the assessor shall make a finding, after considering the totality of the evidence and documentation submitted by a homeowner, as to whether the property lost at least fifty percent of its improved value or, if a participating municipality has elected to provide assessment relief for real property that lost a lesser percentage of improved value such lesser percentage of its improved value, as a result of a disaster. The assessor shall thereafter adopt or classify the percentage loss of improved value within one of the following ranges:

(i) at least ten percent but less than twenty percent, provided that this range shall only be applicable if a participating municipality has elected to provide assessment relief for losses within this range;

(ii) at least twenty percent but less than thirty percent, provided that this range shall only be applicable if a participating municipality has elected to provide assessment relief for losses within this range;

(iii) at least thirty percent but less than forty percent, provided that this range shall only be applicable if a participating municipality has elected to provide assessment relief for losses within this range;

(iv) at least forty percent but less than fifty percent, provided that this range shall only be applicable if a participating municipality has elected to provide assessment relief for losses within this range;

(v) at least fifty percent but less than sixty percent;

(vi) at least sixty percent but less than seventy percent;

(vii) at least seventy percent but less than eighty percent;

(viii) at least eighty percent but less than ninety percent;

(ix) at least ninety percent but less than one hundred percent; or

(x) one hundred percent.

(d) On or before the thirtieth day after the deadline for filing of applications for exemption pursuant to this section, the assessor shall mail written notice of such findings to the property owner and the address for receipt of findings pursuant to the local law, ordinance or resolution passed by a participating municipality. The notice shall indicate that if the property owner is dissatisfied with these findings, such property owner may file a complaint with the board of assessment

review up until the date specified in such notice, which date shall be the thirtieth day after the last date for the mailing of such notices. If any complaints are so filed, such board shall reconvene upon ten days written notice to the property owner and assessor to hear and determine the complaint, and shall mail written notice of its determination to the assessor and property owner within fifteen days of such hearing. The provisions of article five of this chapter shall govern the review process to the extent practicable. For the purposes of this section only, the applicant may commence, within thirty days of mailing of a written determination, a proceeding under title one of article seven of this chapter or, if applicable, under title one-A of article seven of this chapter. Sections seven hundred twenty-seven and seven hundred thirty-nine of this chapter shall not apply.

(e) Where property has lost at least fifty percent of its improved value or, if a participating municipality has elected to provide assessment relief for real property that lost a lesser percentage of improved value such lesser percentage, due to a disaster, the assessed value attributable to the improvements on the property on the impacted assessment roll shall be reduced by the appropriate percentage specified in paragraph (a) of this subdivision, provided that any exemptions that the property may be receiving shall be adjusted as necessary to account for such reduction in the total assessed value. To the extent the total assessed value of the property originally appearing on such roll exceeds the amount to which it should be reduced pursuant to this section, the excess shall be considered an error in essential fact as defined by subdivision three of section five hundred fifty of this chapter. The assessor shall thereupon be authorized and directed to correct the assessment roll accordingly or, if another person has custody or control of the assessment roll, to direct such person to make the appropriate corrections. If the correction is made after taxes are levied but before such taxes are paid, the collecting officer shall be authorized and directed to correct the applicant's tax bill accordingly. If the correction is made after taxes are paid, the authorities of each participating municipal corporation shall be authorized and directed to issue a refund in the amount of the excess taxes paid with regard to such participating municipal corporation.

(f) The rights contained in this section shall not otherwise diminish

any other legally available right of any property owner or party who may otherwise lawfully challenge the valuation or assessment of any real property or improvements thereon. All remaining rights hereby remain and shall be available to the party to whom such rights would otherwise be available notwithstanding this section.

(g) No exemption may be granted to an eligible property pursuant to this section if the owner of such eligible property has contributed to such damage through an intentional act.

4. School districts held harmless. Each school district that is wholly or partially contained within an eligible county shall be held harmless by the state for any reduction in state aid that would have been paid as tax savings pursuant to section thirteen hundred six-a of this chapter incurred due to the provisions of this section.