§ 844. Use of county equalization rates. 1. In any county to which this title is applicable, county taxes shall be apportioned among the cities and towns within the county on the basis of the proportion of the total full valuation of taxable real property within the county which is located within each city and town. This total valuation shall be determined by dividing the taxable assessed value of taxable real property by the appropriate city or town equalization rate as certified by the commissioner pursuant to this title. For purposes of this section: (a) "taxable real property" excludes real property which, by statute, is wholly exempt from county taxation, (b) "taxable assessed value" is limited to the assessed value actually subject to county taxation except that it also includes the amount of assessed value partially exempt from county taxation pursuant to (i) sections four hundred fifty-eight, four hundred sixty and four hundred sixty-four of this chapter, and (ii) such other sections of law as the county legislature designates by resolution to be included in the total valuation. Where the commissioner furnishes the same state equalization or special equalization rate for two or more of the cities and towns in the county for use by that county in the apportionment of taxes, the commissioner shall concurrently therewith notify the county that county taxes may be apportioned in the manner provided by subdivision two of this section.

2. When the commissioner has furnished the same state equalization or special equalization rate for two or more of the cities and towns in a county for use by that county in the apportionment of taxes, the county may apportion its levy as follows: (a) The county shall determine the amount of county tax to be raised from each city and town in the county in accordance with the provisions set forth in subdivision one of this section.

(b) For those cities and towns with respect to which the commissioner has furnished the same state equalization or special equalization rate, the amount of county tax to be raised in aggregate from each part of such city or town is the sum of the amounts determined for each such city and town in accordance with paragraph (a) of this subdivision. This aggregate amount of school tax shall be apportioned to each such city or town in proportion to the sum of the assessed value actually subject to

the taxation for county purposes.

3. On or before the first day of February in each year, the clerk of the county legislative body shall transmit to the commissioner, in the form prescribed by it, a statement for the preceding calendar year showing the taxable assessed value of taxable real property of each city and town; the taxable assessed value upon which the county tax has actually been levied; the county equalization rate certified by the commissioner; the full valuation of taxable real property used for apportioning the tax levy between municipalities; whether any taxes were apportioned pursuant to the provisions of subdivision two of this section; and a list of the partial exemptions which the county legislature has, by resolution adopted pursuant to this section, elected to include in the taxable assessed value actually subject to county taxation. The time for transmitting such statement may be extended by the commissioner for good cause shown by the clerk of the county legislative body.

4. If it appears to the board of supervisors of any county that a clerical error has been made by the county equalization agency and that by reason of such error injustice has been done to one or more cities or towns and that two years have not elapsed since the equalization, the error may be corrected by the board of supervisors. If the equalization cannot be corrected before taxes are levied on the basis thereof, such board shall determine the amount of county taxes paid or payable by any such city or town under such equalization in excess of or less than that which such city or town would have paid under such equalization as corrected. The excess shall be subtracted, or the deficiency shall be added, from or to the next county tax levy in such city or town as the situation may require.